The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I am prepared to yield back the remainder of my time.

Mr. WILLIAMS. I yield back our time.

The PRESIDING OFFICER. The agreement provides for the vote to occur at 11:30 a.m. The unanimous-consent agreement could be changed by unanimous consent.

Mr. JAVITS. We yield back our time.

Mr. GRIFFIN. What is the change in the agreement?

Mr. JAVITS. No change. We merely want to yield back our time. We have no further speakers; unless we have a quorum call before the vote.

Mr. GRIFFIN. The Senator can suggest the absence of a quorum.

Mr. JAVITS. We have only 3 minutes.

Mr. GRIFFIN. We can call it off.

Mr. JAVITS. Mr. President, I do not yield back my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the hour of 11:30 having arrived, the vote on the conference report is now in order. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), and the Senator from Rhode Island (Mr. PASTORE) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE), the Senator from Minnesota (Mr. MONDALE), the Senator from Alaska (Mr. GRAVEL), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Wyoming (Mr. MCGEE), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. BEALL), the Senator from Maryland (Mr. MATHIAS), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I also announce that the Senator from Oregon (Mr. HATFIELD) is absent on official business.

I further announce that the Senator from Vermont (Mr. AIKEN) is absent due to illness in the family.

I further announce that, if present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Maryland (Mr. MATHIAS), and the Senator from Maryland (Mr. BEALL) would each vote "yea."

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "nay."

The result was announced—yeas 71, nays 19, as follows:

[No. 91 Leg.]

YEAS—71

Abourezk	Gurney	Nelson
Allen	Hart	Nunn
Baker	Hartke	Packwood
Bayh	Haskell	Pearson
Bellmon	Hathaway	Pell
Bentsen	Hollings	Percy
Bible	Huddleston	Proxmire
Biden	Hughes	Randolph
Brooke	Humphrey	Ribicoff
Burdick	Inouye	Roth
Byrd, Robert C.	Jackson	Schweiker
Cannon	Javits	Scott, Hugh
Case	Johnston	Sparkman
Chiles	Kennedy	Stafford
Church	Long	Stevens
Clark	Magnuson	Stevenson
Cook	Mansfield	Symington
Cranston	McGovern	Taft
Dole	McIntyre	Talmadge
Domenici	Metcalf	Tunney
Dominick	Metzenbaum	Weicker
Eagleton	Montoya	Williams
Fong	Moss	Young
Griffin	Muskie	

NAYS—19

Bartlett	Curtis	Hruska
Bennett	Eastland	McClellan
Brock	Ervin	McClure
Buckley	Fannin	Scott, William L.
Byrd, Harry F., Jr.	Goldwater	Stennis
Cotton	Hansen	Tower
	Helms	

NOT VOTING—10

Aiken	Hatfield	Mondale
Beall	Mathias	Pastore
Fulbright	McGee	Thurmond
Gravel		

So the conference report was agreed to.

Mr. JAVITS. Mr. President, I move that the Senate reconsider the vote by which the conference report was agreed to.

Mr. WILLIAMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, I congratulate the Senate on approval of the conference report on S. 2747, the minimum wage bill. The minimum wage of $1.60 an hour has not been increased since 1968. Since that time inflation has pushed the cost of living up 33 percent.

Today's vote is the third time in less than 2 years that the Senate has approved an increase in the measure of economic dignity for those working Americans at the bottom of the economic ladder. On one occasin the other body refused to go to conference and on the other, our efforts were vetoed by the President.

I strongly urge the President to sign this bill into law.

S. 2747 fully reflects the will of Congress and the public. Its provisions have been thoroughly examined in committee in both Houses. It has been debated many hours. Every controversial point has been tested by a vote in the Senate. The differences between the two bodies have been fairly compromised. It is a fine bill and should become law.

I also want to thank our chairman, Senator WILLIAMS, for his outstanding leadership and perseverance in bringing this difficult piece of legislation safely through once again. It is my strongest hope that this time we will see our efforts rewarded by becoming law.

UNANIMOUS-CONSENT AGREEMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the vote on the first Allen amendment there be a limitation of 1 hour on the Hathaway amendment, to be equally divided between the distinguished Senator from Maine (Mr. HATHAWAY) and the minority leader or whomever he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that it be in order at this time to ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order at this time to ask for the yeas and nays on the second Allen amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the disposition of the second Allen amendment, the amendment to be offered by the distinguished Senator from Texas (Mr BENTSEN) may follow, and that there be a time limitation of 30 minutes on that amendment, the time to be equally divided.

Mr. GRIFFIN. Mr. President, reserving the right to object, I am not familiar with the Bentsen amendment.

Mr. COOK. Mr. President, I am familiar with the Allen amendments, but I am not familiar with the Bentsen amendment, either. I wonder if the majority leader would consider holding that one in abeyance.

Mr. MANSFIELD. Yes; I withdraw the request.

Mr. ALLEN. Mr. President, the Senator from Texas, in conversation with me, said that his amendment provided that no foreigner could contribute to election campaigns It is a recommendation, I believe, that the President made.

Mr. COOK. May I say to the Senator from Alabama, I would think an amendment of that nature could be adopted unanimously by a voice vote, and that it would not be necessary to have a rollcall or to have time for debate.

Mr. MANSFIELD. I will discuss that later.

Then I understand that following the disposition of the Bentsen amendment, the third Allen amendment for today will be offered.

Mr. ALLEN. That suits me.

Mr. MANSFIELD. If I may have the attention of the minority leader and the ranking member of the Rules Committee, the Senator from Alabama has indicated that he would be willing to consider a 30-minute limitation on the third amendment on the same basis as the other two. I understand that the amendment has to do with the positions of the Members of the 93d Congress who will be running for office this year.

Mr. ALLEN. Running for the Presidency?

Mr. COOK. I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, I remind the Senate that we have a vote on the extradition treaty with Denmark at 12 o'clock tomorrow. There is a rumor going around that that would be the only business tomorrow. However, it is the intention of the joint leadership to consider amendments to the pending business, and it is anticipated that there will be yea and nay votes in addition to the vote on the treaty of extradition.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. HUDDLESTON) laid before the Senate, messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

The PRESIDING OFFICER (Mr. ABOUREZK). Under the previous order, the Chair lays before the Senate the unfinished business, S. 3044, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 3044) to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment (No. 1109) of the Senator from Alabama (Mr. ALLEN), which the clerk will state.

The assistant legislative clerk proceeded to read the amendment.

Mr. ALLEN's amendment (No. 1109) is as follows:

On page 3, line 6, strike out "FEDERAL" and insert in lieu thereof "PRESIDENTIAL".

On page 4, line 6, strike out the comma and insert in lieu thereof a semicolon.

On page 4, beginning with line 7, strike out through line 12.

On page 4, line 13, strike out "(5)" and insert in lieu thereof "(4)".

On page 4, line 17, strike out "(6)" and insert in lieu thereof "(5)".

On page 5, line 6, strike out "any".

On page 5, line 21, immediately before "Federal", strike out "a".

On page 7, line 3, strike out "(1)".

On page 7, beginning with "that—" on line 5, strike out through 7 no page 8 and insert in lieu thereof "that he is seeking nomination for election to the office of President and he and his authorized committees have received contributions for his campaign throughout the United States in a total amount in excess of $250,000.".

On page 9, line 6, after the semicolon, insert "and".

On page 9, strike out lines 7 and 8 and insert in lieu thereof the following: "(2) no contribution from".

On page 9, beginning with "and" on line 13, strike out through line 19.

On page 10, beginning with "(1)—" on line 3, strike out through line 16 and insert in lieu thereof the following: "(1), no contribution from any person shall be taken into account to the extent that it exceeds $250 when added to the amount of all other contributions made by that person to or for the benefit of that candidate for his primary election.".

On page 13, beginning with line 16, strike out through line 18 on page 14 and insert in lieu thereof the following:

"SEC. 504. (a) (1) Except to the extent that such amounts are changed under subsection (f) (2), no candidate may make expenditures in any State in which he is a candidate in a primary election in excess of the greater of—

"(A) 20 cents multiplied by the voting age population (as certified under subsection (g)) of the State in which such election is held, or

"(B) $250,000.".

On page 14, line 19, strike out "(B)" and insert in lieu thereof "(1)" and strike out "subparagraph" and insert in lieu thereof "paragraph".

On page 14, line 20, strike out "(A)" and insert in lieu thereof "(1)".

On page 15, line 8, beginning with "the greater of—", strike out through line 17 and insert in lieu thereof "15 cents multiplied by the voting age population (as certified under subsection (g)) of the United States.".

On page 18, beginning with line 10, strike out through line 20.

On page 26, lines 2 and 3, strike out "under section 504 of the Federal Election Campaign Act of 1971, or".

On page 71, beginning with line 20, strike out through line 2 on page 73 and insert in lieu thereof the following:

"(a) (1) Except to the extent that such amounts are changed under subsection (f) (2), no candidate (other than a candidate for nomination for election to the office of President) may make expenditures in connection with his primary election campaign in excess of the greater of—

"(A) 10 cents multiplied by the voting age population (as certified under subsection (g)) of the geographical area in which the election for such nomination is held, or

"(B) (i) $125,000, if the Federal office sought is that of Senator, or Representative from a State which is entitled to only one Representative, or

"(ii) $90,000, if the Federal office sought is that of Representative from a State which is entitled to more than one Representative.

"(2) (A) No candidate for nomination for election to the office of President may make expenditures in any State in which he is a candidate in a primary election in excess of two times the amount which a candidate for nomination for election to the office of Senator from that State (or for nomination for election to the office of Delegate in the case of the District of Columbia, the Virgin Islands, or Guam, or to the office of Resident Commissioner in the case of Puerto Rico) may expend in that State in connection with his primary election campaign.

"(B) Notwithstanding the provisions of subparagraph (A), no such candidate may make expenditures throughout the United States in connection with his campaign for that nomination in excess of an amount equal to 10 cents multiplied by the voting age population of the United States. For purposes of this subparagraph, the term 'United States' means the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, Guam, and the Virgin Islands and any area from which a delegate to the national nominating convention of a political party is selected.

"(b) Except to the extent that such amounts are changed under subsection (f) (2), no candidate may make expenditures in connection with his general election campaign in excess of the greater of—

"(1) 15 cents multiplied by the voting age population (as certified under subsection (g)) of the geographical area in which the election is held, or

"(2) (A) $175,000, if the Federal office sought is that of Senator, or Representative from a State which is entitled to only one Representative, or

"(B) $90,000, if the Federal office sought is that of Representative from a State which is entitled to more than one Representative.

"(c) No candidate who is unopposed in a primary or general election may make expenditures in connection with his primary or general election campaign in excess of 10 percent of the limitation in subsection (a) or (b).

"(d) The Federal Election Commission shall prescribe regulations under which any expenditure by a candidate for nomination for election to the office of President for use in two or more States shall be attributed to such candidate's expenditure limitation in each such State, based on the voting age population in such State which can reasonably be expected to be influenced by such expenditure.

"(e) (1) Expenditures made on behalf of any candidate are, for the purpose of this section, considered to be made by such candidate.

"(2) Expenditures made by or on behalf of any candidate for the office of Vice President of the United States are, for the purposes of this section, considered to be made by the candidate for the office of President of the United States with whom he is running.

"(3) For purposes of this subsection, an expenditure is made on behalf of a candidate, including a Vice Presidential candidate, if it is made by—

"(A) an authorized committee or any other agent of the candidate for the purposes of making any expenditure, or

"(B) any person authorized or requested by the candidate, an authorized committee of the candidate or an agent of the candidate to make the expenditure.

"(4) For purposes of this section an expenditure made by the national committee of a political party, or by the State committee of a political party, in connection with the general election campaign of a candidate affiliated with that party which is not in excess of the limitations contained in subsection (1), is not considered to be an expenditure made on behalf of that candidate.

"(f) (1) For purposes of paragraph (2)—

"(A) 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics, and

"(B) 'base period' means the calendar year 1973.

"(2) At the beginning of each calendar year (commencing in 1975), as necessary data become available from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Federal Election Commission and publish in the Federal Register the percentage difference between the price index for the twelve months preceding the beginning of such calendar year and the price index for the base period. Each amount determined under

subsections (a) and (b) shall be changed by such percentage difference. Each amount so changed shall be the amount in effect for such calendar year.

"(g) During the first week of January 1975, and every subsequent year, the Secretary of Commerce shall certify to the Federal Election Commission and publish in the Federal Register an estimate of the voting age population of the United States, of each State, and of each congressional district as of the first day of July next preceding the date of certification. The term 'voting age population' means resident population, eighteen years of age or older.

"(h) Upon receiving the certification of the Secretary of Commerce and of the Secretary of Labor, the Federal Election Commission shall publish in the Federal Register the applicable expenditure limitations in effect for the calendar year for the United States, and for each State and congressional district under this section."

On page 73, line 3, strike out "(b)" and insert in lieu thereof "(i)".

On page 73, line 24, strike out "section 504" and insert in lieu thereof "subsection (g); and".

On page 74, strike out lines 1 and 2.

On page 74, line 6, strike out "that Act" and insert in lieu thereof "the Federal Election Campaign Act of 1971".

On page 74, line 8, strike out "(c)" and ert in lieu thereof "(j)".

n page 74, line 10, strike out "(a) (4)" and insert in lieu thereof "(e) (3)".

On page 75, line 6, strike out "(a) (5)" and insert in lieu thereof "(d)".

On page 75, line 11, strike out "(a) (4)" and insert in lieu thereof "(e) (3)".

The PRESIDING OFFICER. The time for debate on this amendment is limited to 30 minutes, to be equally divided between and controlled by the Senator from Alabama (Mr. ALLEN) and the Senator from Nevada (Mr. CANNON). Who yields time?

Mr. ALLEN. Mr. President, I yield myself 3 minutes.

This amendment would merely take from under the bill the races for the House of Representatives and the Senate, both for the primary and the general elections.

Mr. President, I do not believe it is right for Members of Congress to provide that the taxpayers, through the ic Treasury, should pay for their ion campaigns. I do not believe it is right to present to a candidate for the Senate 15 cents per person of voting age in his State, to allow him to run for the Senate. This would involve astronomical amounts of money. In the State of California, the public subsidy to a candidate for the Senate in the general election would be $2,121,000. In the State of New York, it would be $1,900,000. I do not believe that the taxpayers of the country should be called on to finance elections of Senators and Representatives.

I might say also, Mr. President, that a strong public opinion in this country caused the Senate to vote against a recommendation of the President that the salaries of the Members of the House of Representatives and the Senate be increased by about $2,500. That was overwhelmingly vetoed here in the Senate.

What would public opinion be about presenting a check for more than $2 million to a candidate for the Senate in California, $1,900,000 in the State of New York, and lesser sums on down?

All this amendment would do would be strike the House and the Senate from the provisions of the bill. I do not believe that the House would accept the provision anyway, and I believe that the Senate should take the leadership and strike the primary and general elections of House and Senate Members from the bill.

For another thing, matching funds are provided in the primary for the House of Representatives and the Senate, and this would actually aid the incumbents, in that we would match the private collections of sums up to $100 of House and Senate Members. Naturally the House and Senate Members, being incumbents, and being better known, would be able to collect more funds from individual contributors, and then the Federal Government would match that amount, compounding the advantage that the incumbent would have.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLEN. I yield myself 1 more minute.

Mr. President, it is not in the public interest to require the taxpayers to pay for the primaries, or half of the primaries and all of the general election expense, of Senators and Representatives, and I hope that the Senate will approve the amendment.

Mr. President, I yield 3 minutes to the distinguished Senator from Tennessee (Mr. BAKER).

Mr. BAKER. Mr. President, I thank the Senator from Alabama for yielding so that I could speak in support of the amendment.

It is no secret here in the Senate that I do not look favorably upon public financing of any campaigns, including Presidential campaigns. I think it would result in the distortive effect of contributions of large sums of private money giving way to the distortive effect of large contributions of public money, with the inevitable effect of a proliferation of Treasury rules and regulations and bureaucratic redtape that ultimately will pervade a system of public financing, no matter how we try to avoid it.

The election of officials to office at the Presidential and congressional levels, in my judgment, is the most intimate of all democratic processes. It was intentionally not structured into the Constitution, so that we would be entirely on our own, free of the dictates of the Government in deciding how we select our officials.

But there is a very real distinction between a Presidential campaign, with two major-party nominees who command the attention of the national press corps and the national media including television coverage, and the campaign of a typical candidate for the House of Representatives or the Senate, who does not have similar coverage, especially those who are challengers of established incumbents.

I am an incumbent. Now, by the grace of God and the good will of the people of Tennessee, I have been here a little more than 7 years. But 7 years is not long enough to eradicate from my mind a recollection of how hard it is to run from obscurity, and how hard it is to be a challenger.

I think, Mr. President, that particularly in the cases of candidates for the House of Representatives or the Senate, public financing creates a distinct advantage on behalf of the incumbents, and diminishes the chance for new and aggressive, intelligent and worthwhile challengers.

It tends to cement the status quo of congressional affairs and is far more susceptible to unfavorable results than even the financing of a Presidential campaign from the public treasury, which I also oppose. On the scale of things, I must say that I oppose this more than I oppose that.

So I very much hope that the Senate will support the amendment of the distinguished Senator from Alabama to exempt ourselves from public financing. If the matter of the setting of our own salaries is a patent conflict of interest, the matter of providing for our own war chests to campaign with is an even greater conflict of interest.

I thank the distinguished Senator from Alabama for yielding me this time.

Mr. KENNEDY. Mr. President, will the Senator from Tennessee yield for a question?

Mr. BAKER. I yield, if I have any more time.

Mr. CANNON. Mr. President, I yield the Senator from Massachusetts 5 minutes.

Mr. KENNEDY. Mr. President, I oppose the amendment offered by Senator ALLEN to strike the provisions of S. 3044 dealing with public financing of congressional general elections and congressional primaries, and I urge the Senate to reject the amendment.

At a very minimum, yesterday's overwhelming vote cements the existing law providing public financing for Presidential general elections. Obviously, Congress is not about to roll back the clock on the current dollar checkoff by repealing or deleting existing law.

By what logic, then, can Congress fail to see the need for public financing of its own elections?

The issue is the same under both amendments that Senator ALLEN plans to offer today—to strike public financing for all congressional elections, and to strike it for Presidential primaries.

The logic is compelling, and we escape it at our peril. If public financing is the answer to the problems of private money and political corruption is Presidential elections, then it is also the answer to the problems of private money and political corruption in other Federal elections, too. If public financing is good enough for the President, it is good enough for the House and Senate, too. If public financing is good enough for general elections, it is good enough for primaries, too.

For centuries, money and public service have been a corrosive combination in political life. And the more things change the more they remain the same. In "The Prince," Machiavelli put the problem clearly almost 500 years ago:

As a general rule those who wish to win favor with a prince offer him the things they most value and in which they see that he will take most pleasure; so it is often seen that rulers receive presents of horses, arms, piece of cloth of gold, precious stones, and similar ornaments worthy of their station.

The only real change today, when the favors available from the modern Congress and the modern Federal Government would boggle the mind of any medieval prince, is that the most valued presents are not horses and arms, but contributions to political campaigns.

Just as Watergate and private campaign contributions have mired the executive branch in its present quicksand of corruption, so, I am convinced, the present low estate of Congress is the result of the ingrained corruption and appearance of corruption that our system of private financing of congressional election has produced.

Today, in Congress, the problem has reached the epidemic level. For too long, we have tolerated a system of private financing that allows the wealthiest citizens and biggest special interest groups to infect our democracy by buying a preferred position in the deliberations of Congress.

It is no accident that Congress so often fails to act promptly or effectively on issues of absolutely vital importance to all the people of the Nation—issues like inflation, the energy crisis, tax reform, and national health insurance, to name but four subjects where the ineffective action of Congress, sometimes over many years, appears to bear a direct and obvious correlation to the massive campaign contributions by special interest groups. It is no secret to any citizen that such interest groups have a stake at least in the status quo, and often a stake in something worse, in flagrant disregard of where the public interest really lies.

Not until we root out all the corrosive aspects of the present system will we be able to cure this worsening infection of our Government, and bring our democracy back to health.

To make the case for public financing of congressional elections, we need look no farther than the figures released today by Common Cause. Beyond any reasonable doubt, these figures demonstrate that special interest groups have a stranglehold on Congress, and that the stranglehold can only be broken by public financing.

The figures tell a dismal story of how Congress is bought in each election year.

Special interest groups	Contributions to Congress, 1972	Cash on hand, 1974
Total	$14,000,000	$14,200,000
Business professional	3,400,000	5,900,000
All labor	3,800,000	5,000,000
AFL-CIO	847,000	309,000
BIPAC (NAM)	410,000	231,000
AMA	844,000	335,000
Dairy	$1,089,000	$2,018,060
Oil	37,000	NA

One of the most distressing aspects of these figures is the proof that Watergate has not even made a dent in the special interest war chests now being accumulated for the 1974 elections. Already, with the 1974 primary campaigns hardly even underway, the special interest groups have collected more cash on hand for political contributions in 1974 than they contributed in all of 1972.

An equally distressing aspect is that these figures vastly understate the real amount of special interest giving, since they are compiled only from reports filed by registered political committees. Because of limits on current capability for analyzing the published reports, the figures are forced to ignore contributions by individuals. Yet, we know that individuals with a special interest in legislation before Congress contributed immense amounts to 1972 campaigns, and they are obviously tooling up to do the same in 1974.

It is a hollow joke, a very hollow joke whose butt is the people of America, to read that oil committees gave only $37,000 for congressional elections in 1972, when we know from other estimates that oil executives contributed millions to both the Presidential and the congressional elections in 1972.

In sum, Congress owes America a better legislation record on the issues, and the way to start is by cleaning the stables of our own campaigns, by reforming the way we finance our own elections. Only when we have public financing of our elections will we in Congress truly represent the public.

Mr. President, I wonder whether the Senator from Alabama and the Senator from Tennessee are familiar with the figures released by Common Cause this morning, which show the sizable contributions made by the special interest groups to Members of Congress in the 1972 elections, and the sizable warchests they have accumulated for 1974. I wonder what kind of reaction the Senators have to these disclosures.

We already have public financing for Presidential elections. Why do we think in the House and the Senate that we are "holier than thou" and that it is not necessary to have public financing for Members of Congress? Most specifically, what is the reaction of the Senator from Tennessee to the analysis by Common Cause, which shows that over $14 million in special interest money has already been collected for the Senate and House elections this fall? How does he respond on that issue to the amendment before the Senate?

Mr. BAKER. I thank the Senator from Alabama for giving me, again, enough time so that we can have this colloquy with the Senator from Massachusetts.

My response is, I do not think we should have any contributions from anyone except qualified voters. I do not think the Treasury of the United States, or the treasury of the State of Tennessee, or that any corporation, or association or co-op, or whatever, should make contributions or give financial support to any campaign. Rather, I think that the support should come only from individual human beings who can vote. Corporations cannot vote. Common Cause cannot vote. Chambers of Commerce cannot vote. Why should they contribute? I proposed, and there is at the desk, an amendment to the bill which I will call up later, that says that no one except a qualified voter can contribute.

That is my reply.

Mr. KENNEDY. Mr. President, so long as we have private contributions, the special interests will find a way to give their money and make their influence felt.

As I indicated earlier, the Common Cause figures are only the tip of the iceberg, because they reflect only contributions reported or collected by organized political committees. They do not reflect contributions by individuals. Yet we know, as in the case of oil money, that vast amounts of special interest money come rolling in, each election year, in the form of individual contributions.

We know why these special interest groups are building up their warchests for 1974. To take but one example, it is clear that this Congress is now well into a major debate on national health insurance. Possibly, a comprehensive bill to establish a program of national health insurance may pass the Senate and the House before the end of the present session. Or, the debate may well carry over into the 94th Congress that convenes in January 1975, after the congressional elections this fall. Obviously, health reform and national health insurance are issues that are now coming into the front of the agenda of Congress.

And what do we see when we look at the Common Cause figures, published today, showing the warchests that special interest groups have already accumulated for the purpose of making contributions to the 1974 elections? We find that one of the special interest groups with the fattest warchests is none other than the American Medical Association and its affiliated political action committees in the various States.

Mr. President, I ask at this point that an excerpt from the Common Cause materials showing the breakdown by State of the AMA warchest, may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1974 CAMPAIGN WAR CHEST OF AMERICAN MEDICAL ASSOCIATION AND ITS AFFILIATED POLITICAL ACTION COMMITTEES

Closing date	Organization (branches of American Medical Association)	Committee name	Amount
Mar. 7, 1974	National	American Medical PAC	$60,520
Dec. 31, 1973	District of Columbia Executive.	Physcns Com For Good Govt—D.C	8,482
Feb. 28, 1974	Alabama	Alabama Medical PAC	15,029
Jan. 31, 1974	Alaska	Alaska Medical PAC	1,375
Mar. 10, 1974	Arizona	Arizona Medical PAC	13,392
Feb. 28, 1974	Arkansas	Arkansas PAC	4,411
Dec. 31, 1973	California	California Medical PAC	178,517
Mar. 10, 1974	do	Committee for Govt Improvement	168
Dec. 10, 1973	do	L.A. Cnty Physicians Comm	14,002
Mar. 7, 1974	do	Professional Comm for Good Govt	156
Feb. 28, 1974	Colorado	Colorado Medical PAC	1,670
Mar. 10, 1974	Connecticut	Connecticut Medical PAC	4,156
Feb. 28, 1974	District of Columbia	District of Columbia PAC	1,367
Feb. 31, 1973	Florida	Florida Medical PAC	22,943
Feb. 28, 1974	Georgia	Georgia Medical PAC	34,232
Feb. 28, 1974	Hawaii	Hawaii Medical PAC	2,629
Dec. 31, 1973	Idaho	Idaho Medical PAC	981
Mar. 7, 1974	Illinois	Illinois Medical PAC	18,594
Feb. 28, 1974	Indiana	Indiana Medical PAC	47,909
Do	Iowa	Iowa Medical PAC	22,652
Do	Kansas	Kansas Medical PAC	6,383
Feb. 31, 1973	Louisiana	Louisiana Medical PAC	16,986
Feb. 28, 1974	Maryland	Maryland Medical PAC	27,294
Dec. 31, 1973	Massachusetts	Bay State Physicians PAC	1,022
Feb. 28, 1974	Michigan	Michigan Doctors PAC	25,320
Do	Minnesota	Minnesota Med PAC	$17,584
Do	Mississippi	Mississippi PAC	15,884
Do	Missouri	Missouri Med PAC	26,380
Oct. 2, 1973	Montana	Montana PAC	2,372
Feb. 28, 1974	Nebraska	Nebraska Med PAC	7,999
Do	New Jersey	N.J. Med Political Action	8,899
Dec. 31, 1973	New Mexico	N.M. Med PAC	3,221
Mar. 10, 1974	North Carolina	North Carolina Med Pol Educ & Action Comm.	20,699
Feb. 28, 1974	North Dakota	N.D. Comm on Med Pol Act	1,243
Do	Ohio	Ohio Med PAC	53,123
Dec. 31, 1973	Oklahoma	Oklahoma Med PAC	8,299
Feb. 28, 1974	New York	Empire Medical PAC	1,803
Do	Oregon	Oregon Med PAC	16,121
Do	Pennsylvania	Pennsylvania Med PAC	50,874
Do	Rhode Island	Rhode Island Med PAC	1,160
Do	South Carolina	South Carolina PAC	6,405
Dec. 31, 1973	South Dakota	South Dakota PAC	1,435
Feb. 28, 1974	Tennessee	Independent Medicine's PAC	19,673
Do	Texas	Texas Med PAC	59,160
Dec. 31, 1973	Utah	Utah Med PAC	1,661
Do	Virginia	Virginia Med PAC	6,840
Feb. 28, 1974	Washington	AMPAC—State of Washington	10,084
Do	Wisconsin	Wisc Physician's PAC	16,085
Do	Wyoming	Wyoming PAC	1,894
	Total		889,088

r. KENNEDY. We see from these es that the AMA and its affiliates already collected the massive sum o[illegible]000 in available contributions for the [illegible] congressional elections. We also know the position of the AMA on health reform, which is a position of total opposition to the sort of national health insurance program that many of us believe is essential if the Nation is to have decent health care.

Clearly, the AMA position will be well represented in the next Congress. Money speaks, and $889,000 in campaign contributions speaks with a very loud voice indeed.

But who speaks for the average citizen? Who speaks for the mother trying to get a doctor because her child is sick. Who speaks for the family driven into financial ruin because of the high cost of serious illness? Who speaks for all the people fed up with a health care system that suits the doctors and the insurance panies very well, but that fails to t the people's basic need for decent he[illegible] care at a price they can afford to pa[illegible]

[illegible] is the nature of the problem we face. There are probably only a handful of Members of this body who have not received at least some contribution from one or another of these various interest groups. I think that public financing is the only realistic answer to eliminate the corrupting influence of the special interest contributions on our Senate and House elections.

We see the picture. The special interest groups are waiting with their checkbooks to make their influence felt. If this amendment passes, the effect will be to say that we in Congress are glad to get that money, that we welcome their campaign contributions in 1974 and on into the future.

I oppose the amendment, and I hope that the Senate will reject it.

Mr. BAKER. Mr. President, I do not know what the parliamentary situation is at the moment. The Senator from Massachusetts asked me to yield, but on whose time, I do not know. We have been having this colloquy. If I still have the floor, I should like to have 1 minute more to speak.

Mr. ALLEN. I yield the Senator from Tennessee 1 more minute.

Mr. KENNEDY. Whatever time remains to me I will gladly yield to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 1 minute.

Mr. BAKER. Mr. President, I am really most distressed by the concept embodied in the remarks just made by the Senator from Massachusetts, which I read to mean that we can trust ourselves so little to cure the ills spotlighted by the Watergate case that we have got to throw the baby out with the bath water. I really am concerned that we do not consider ourselves to be good enough legal draftsmen or legislative scholars to be able to draft a way to prevent the special interests from having an effect on the elective process.

I know half a dozen ways to do that without tearing down the destiny and the political system of this country.

We could hand out $2 million in California or $365,000 in Nevada, or whatever, and pretty soon we will have a little booklet coming out that says "Federal Rules and Guidelines for Qualifying for the Expenditure of Funds"—and pretty soon the Federal Government will be supervising how campaigns are going to be run. Thus, we will have created political incest.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. KENNEDY. If I have any time remaining, I should like to have 2 minutes——

Mr. CANNON. I yield 2 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 2 minutes.

Mr. KENNEDY. Mr. President, the thing the American public should understand is that they are paying for the system now. We hear the statements about the raid on the Federal Treasury. The Senator from Tennessee understands who is paying for what now.

And one of the most obvious the people are forced to pay is through tax loopholes. The Internal Revenue Code is riddled with tax loopholes. The American public is paying for those loopholes. Vast amounts of tax welfare are being paid through the tax laws to big contributors and special interest groups. And we know who makes up the difference. The working man and woman, the middle income and the lower income groups are the ones who pay higher taxes to make up for the various tax loopholes.

We know how those various tax loopholes have been obtained. As the Senator from Tennessee and every other Member of the Senate knows, it is through the work of the highly paid lobbyists and the special interest groups down here in the conference rooms and in the committee rooms and in the halls of Congress. They make sure that the loopholes are written in and stay in and they are always around when campaign contributions are to be made.

So, make no mistake about it, Mr. and Mrs. Public, you are paying for the system, and you are paying for it in hidden billions of dollars every year.

All it takes to change the system and put it on an honest footing is to make sure that the public pays the bill for elections to public office. We are talking about a cost of $360 million over a 4-year period, to make Members of Congress and the Senate, and the President of the United States accountable to the people and not to the special interests. That is a bargain by any standard, a price we cannot afford not to pay.

Several Senators addressed the Chair.

Mr. ALLEN. Mr. President, I yield 2 minutes to the Senator from Colorado (Mr. DOMINICK).

The PRESIDING OFFICER. The Senator from Colorado is recognized for 2 minutes.

Mr. DOMINICK. Mr. President, I thank the Senator from Alabama.

Mr. President, I have not participated very much in this debate so far and I do not serve on the Committee on Rules and

Administration, but I think I have just heard the most illogical argument from the Senator from Massachusetts that I have heard in my whole life in the 12 years I have served in this body, and my 2 years of service in the House.

Every single tax thing, including what he calls the tax loopholes, were originally put in for a social reason of one kind or another, like the tax loophole which gives an extra deduction, for example, to one who is blind or over the age of 65. There is a whole group of things like that, which he lumps into so-called tax loopholes. It does not have a single thing to do with the bill which is designed to put Members of the Senate and Members of the House in the public trough.

Mr. KENNEDY. Mr. President, will the Senator from Colorado yield for a question?

Mr. DOMINICK. I yield.

Mr. KENNEDY. Would the Senator support a bill to eliminate all the tax loopholes, say, by the end of this year, over a 2- or 3-year period, then rebuild them back into the Revenue Code, if they really serve a social purpose? I believe that many of those loopholes are directly related to campaign contributions by the people who enjoy the benefits of the loopholes. Would the Senator be willing to test the social purpose of the loopholes by re-enacting them or is he simply prepared to continue——

Mr. DOMINICK. Is the Senator asking me a question?

I wonder whether the Senator from Alabama would yield me another minute to answer the Senator from Massachusetts.

Mr. ALLEN. Yes.

Mr. DOMINICK. I thank the Senator.

The answer to the Senator from Massachusetts is, "no," I would not support such a bill.

A great many social projects are of extraordinary impact in this country. One of the things I hope to do is to get a tax credit for higher education. We have passed it in the Senate twice, and I have no intention of saying that the Senator from Colorado would simply eliminate these social practices which we try to accomplish in a tax bill. Besides, that comes out of the Ways and Means Committee, not out of the Rules Committee, and has nothing to do with the public trough bill that is before the Senate now.

I have been adamantly against public financing from the very beginning. I am against it for any kind of race—Presidential, Republican, senatorial, or anything else—because all I can see is a continuing effort to get more and more money as expenses go on, increasing the amount of money we are going to be spending on public campaigns for election one way or another. As one who is running this year, it would be helpful to me, of course, if we had public financing. But I cannot think of anything worse for the taxpayers of my State, for the taxpayers of the country, and for the country's government as a whole—its welfare, its honor, and its integrity. To have campaigns run on public financing is the worst thing I can think of.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, I yield 2 minutes to the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. I thank the Senator from Alabama.

Mr. President, last year the Senate passed a good bill. I could not be here to participate in that bill, but I have been so concerned about elections, about what has been happening, that I have gone into this matter rather thoroughly; and I cannot support the principle of using taxpayers' dollars to pay for the campaigns, especially our own elections, especially for the election of Members of the House of Representatives, who have only 2-year terms.

As a practical matter, I know of no scandal connected with senatorial races or with races of Members of the House, either—the actual races for election or reelection. I have been here a good while. We have had some matters come up about funds collected and appreciation dinners, whatever one wants to call it. But that was after the election was over. Some of that money, we decided—in one case especially—was misused. But I do not think Congress has any record of scandal or any kind of fraud or anything fixed up. There is a selfish angle, too.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. I yield the Senator 1 additional minute.

Mr. STENNIS. I feel that to get into our races and to let the taxpayers pay for them takes the people out of it, so to speak. The taxpayer pays his taxes because he has to, and he should, of course. But the idea of taking his money and putting it to this use is contrary to what many people believe in. Worse than that, it takes the people out of the race, so to speak, because they feel that what they can do will not count. We have to get these elections back closer to the people, closer to their voluntary actions, to their enthusiasm, to their willingness to be active citizens, to become involved. We need more people actively involved in these elections, particularly congressional elections.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, will the Senator yield?

Mr. CANNON. I yield 2 minutes to the Senator.

Mr. COOK. Mr. President, it is my intention to vote against the proposal of the Senator from Alabama, but I would be remiss if I did not say that one of the reasons why I intend to do so is that I think the people of the United States have an opportunity to try what we have proposed for some time.

I must say, in all fairness, that I am surprised at the extreme length of the indictment of Democratically controlled Congresses that I have just listened to as to the Internal Revenue Code as it now exists, with what are called complete and absolute loopholes.

I think that the average taxpayer who files his form 1040 seems to think of everybody who has a loophole as not being an average taxpayer. I am thinking about the fellow who owns a gas station, the fellow who deducts for the utilization of his truck, which he also drives home at night because it is his vehicle, and that is a loophole.

I am thinking of literally hundreds and hundreds of things that give a little individual who is a small, independent businessman, not the giant businessman, an opportunity and an incentive to be a businessman, an incentive to make a living.

I hope that during the course of this debate we will not take into consideration such broad, sweeping statements that we are going to have an amendment that takes away all loopholes. What does "all loopholes" really mean? What are we really saying to the Internal Revenue Service? What are we really saying to every little individual who pays his taxes on a quarterly basis, not once a year?

I hope we will look at this situation from the standpoint that we now have an opportunity to try a process that not totally untried in the world politics, and I think we all know t I know how individuals on this feel, but if the Senator feels that is going to try, he should try it at all levels of elective government.

I know that the next amendment is going to swing around and say that we will do it for this group and not that group.

I agree with the Senator from Massachusetts that we have had many misuses, and I think we have a tendency to overkill in the United States. Many times, legislative bodies certainly do. But I believe this issue has been debated enough so that it is no longer the issue of overkill, that it is now the issue that this is a process that may indeed work and can work; and if it does not work, obviously the system can be changed.

To the extent that we in the Rules Committee, under the leadership of our distinguished chairman, have tried work this matter out to the best of o ability, this amendment would do a great injustice to the work we did in the ings on the bill. We feel that if w going to make this experimental attempt to change the methods of campaign operations in the United States, it has to be done at the legislative level and must be done at the Presidential level.

Mr. CANNON. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Nevada has 2 minutes remaining. The Senator from Alabama has 1 minute remaining.

Mr. CANNON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. CANNON. Mr. President, Congress already acted once on this matter and determined last year that the matter should be referred to the Committee on Rules and Administration and that we should come back with a proposition for the financing of campaigns out of Federal funds. That is exactly what we have done.

We do not provide in this law that every candidate must go to the Federal funding source. We leave it up to his option. If he sees a great danger in it and wants to go the private sector he may do that within the limits of the bill. Of course, we provide a limit on the amount. We will not see another situation, if this bill is passed, where Clement Stone and people like that can make tremendous contributions, or a committee, like the milk fund or a like organization makes tremendous contributions, because we have a limit. It means that a person who is unknown and wants to try, if he can demonstrate initially that he has a certain amount of appeal, can find the funds without going to private interest groups to finance a portion of his campaign, provided the funds are there.

The law now provides for the checkoff provision. In this bill we increase that and double the amount of the checkoff and increase the amount of the tax credit or the tax deduction that may be taken. They can use those to provide funds to the candidate.

I simply say the Committee on Rules and Administration is trying to comply with the instructions given it last year by the Senate in reporting a bill on this subject and we think we have done the best job we could do after holding hearings and listening to the testimony of witnesses who appeared before us.

Mr. President, I hope the amendment of the Senator from Alabama is rejected.

Mr. ALLEN. Mr. President, yes, the Committee on Rules and Administration did discharge its commitment in reporting the bill, but there is no obligation on us to take the bill. It is just a vehicle for the Senate to express its will with regard to public financing.

I do not believe that the people of this country, having rejected the thought of Congress raising its salary by some $2,500, will look with favor on Congress voting itself funds in the primary; up to the $2 million in California and lesser amounts down through other States for members of the Senate to run their campaigns. I do not believe they want to see members of Congress have their campaigns subsidized.

This amendment will take House and Senate races, both primary and general elections, out from under subsidy provisions of the bill. I hope it is approved by the Senate.

Mr. HOLLINGS. Mr. President, I rise in support of the amendment No. 1109 proposed by my friend from Alabama (Mr. ALLEN).

The bill as it is currently written would establish public financing for all Federal political campaigns. I am opposed to this because I oppose public financing except in the case of Presidential and Vice-Presidential races. The huge amounts of money spent in the 1972 Presidential campaign—$60 million for President Nixon and $35 million for Senator McGOVERN combined with the Watergate revelations indicate the need to change the method of funding Presidental campaigns.

I support, and voted for, legislation sponsored by Senator RUSSELL LONG, of Louisiana, some years ago, to try the checkoff system on our income tax returns. By this system taxpayers can indicate on their tax forms whether or not they want $1 of their tax money to go to the financing of Presidential level campaigns. I believe that this measure, plus a proposed $15,000 ceiling on contributions, would stimulate a healthier atmosphere for Presidential campaigns. The huge sums required to mount a Presidential campaign force the candidate to seek out the big contributor—to whom he then feels some obligation. We should provide this candidate with an alternative—and public financing is such an alternative.

However, I am opposed to establishing public financing for the congressional and senatorial races. This onslaught on the public treasury to pick up the tabs for campaigning and "politicking" all across America would create chaos. It would entice every Tom, Dick, and Harry to jump into the political arena and take his money, and hence take advantage of the public financing. It is nothing more than a subsidy program for all would be politicians.

I do favor control on Senate and House races in order to keep down spending and disclose all facts concerning contributions and expenditures. One way to do this is to limit campaign expenditures to 10 and 15 cents per voter. Since this would put a ceiling on the total expenditures of a candidate, it would encourage him to go after smaller individual contributions instead of having to seek out big contributors to pay for an unlimited, and hence, expensive campaign. I feel that by limiting campaign spending, the candidates will be drawn to public financing in the true sense of the word—the solicitation of funds from individual citizens. And I also favor a prohibition on receiving contributions from any source other than an individual contributor. No more milk fund shenanigans for example. The last Senator elected in South Carolina spent $660,000. With a voting age population in South Carolina of 1,775,000 and with a limit of 10 cents per voter on campaign financing, future candidates would be limited to spending $177,500 in their campaign. This would be a big improvement.

I also support limiting the amount that an individual can contribute to a campaign, and while I personally favor a $1,000 ceiling, I would agree on a compromise that would set $15,000 as the maximum contribution in Presidential races and $3,000 in Senate and House races.

We must do away with the corrupting influence of big money—far more money than is necessary to present a candidate's views to the people. I think the steps I have outlined here can do the deed. At the same time, they will avoid the pandemonium that public financing and more government meddling are bound to create.

Mr. ROBERT C. BYRD. Mr. President, I have said on numerous occasions that the most important task now before us is to restore the confidence of the people in their Government. Public feeling toward elected officials is at an extremely low point. In fact, this Congress—despite its fine record—could muster a favorable rating from only 21 percent of the people interviewed in a recent Lou Harris survey.

It appears to me, then, that this is the worst possible time for Congress to enact legislation that would provide for the use of tax dollars to finance congressional campaigns. I have grave doubts that public financing of House and Senate races would ever be advisable, but I have no doubts as to this being the wrong time, of all times, to provide for Federal financing of House and Senate races.

The bill now before us would allow every candidate in every primary for every House seat in the country to collect $45,000 from the U.S. Treasury. Those who survive the primaries could be rewarded with a $90,000 campaign chest from the Treasury.

Not only is the principle of using tax dollars to finance Senate and House campaigns highly questionable, but the amounts involved here seem way out of line with what would be considered realistic limits.

In the 1972 House races, for instance, 74 percent of all the candidates recorded expenditures of less than $50,000. Instead of setting the limit at that level, the bill would set a $90,000 maximum. In other words, rather than moving to decrease the high amounts spent in a minority of the congressional races, the bill would actually encourage increased spending in the majority of such races.

The amounts available for Senate races, although varying according to the particular States, are also high. In West Virginia, for example, the voting age population is listed at 1,228,000. That means that $122,800 would be available for primary campaigns, based on 10 cents per voting age citizen; and $184,200 would be available for the general election, based on a 15-cent ceiling.

If one of the objects of campaign reform is to limit expenditures—and that certainly should be a main objective—then public financing of congressional campaigns is not going to accomplish it. Actually, public financing of Senate and House races threatens to increase expenditures, not only by setting higher-than-needed limits, but also by opening a crack in the Treasury for this kind of spending. No one can say that the 10-cent and 15-cent limits contained in this bill will not be increased to 25-cent or 50-cent limits in the future. The public became enraged recently when there was talk of dollar-a-gallon gasoline. Imagine how enraged the same taxpayers will become when there is talk of dollar-a-vote Federal expenditures for congressional campaigns.

The way to bring about reform is not through the use of taxpayers' dollars for Senate and House candidates, but rather by setting limits—reasonable but strict limits—on what congressional candidates can spend; limiting the amounts that single contributors can give to campaigns; strict disclosure of contributors; and stricter enforcement of the laws against violations.

With all the problems facing the tax-

payers of this country today, we should be trying to find more ways to save their tax dollars—not new ways to spend them.

Therefore, I support the amendment to delete public financing of congressional campaigns from this bill.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Alabama. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), and the Senator from Rhode Island (Mr. PASTORE) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) and the Senator from Wyoming (Mr. MCGEE) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. BEALL), the Senator from Maryland (Mr. MATHIAS), and the Senator from Pennsylvania (Mr. SCHWEIKER) are necessarily absent.

I also announce that the Senator from Oregon (Mr. HATFIELD) is absent on official business.

I further announce that the Senator from Vermont (Mr. AIKEN) is absent due to illness in the family.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

On this vote, the Senator from Vermont (Mr. AIKEN) is paired with the Senator from Minnesota (Mr. MONDALE). If present and voting, the Senator from Vermont would vote "yea" and the Senator from Minnesota would vote "nay."

The result was announced—yeas 39, nays 51, as follows:

[No. 92 Leg.]

YEAS—39

Allen	Dominick	Magnuson
Baker	Eastland	McClellan
Bartlett	Ervin	McClure
Bellmon	Fannin	Nunn
Bennett	Fong	Roth
Brock	Goldwater	Scott,
Buckley	Griffin	William L.
Byrd,	Gurney	Sparkman
Harry F., Jr.	Hansen	Stennis
Byrd, Robert C.	Helms	Talmadge
Church	Hollings	Thurmond
Cotton	Hruska	Tower
Curtis	Johnston	Weicker
Dole	Long	

NAYS—51

Abourezk	Haskell	Nelson
Bayh	Hathaway	Packwood
Bentsen	Huddleston	Pearson
Bible	Hughes	Pell
Biden	Humphrey	Percy
Brooke	Inouye	Proxmire
Burdick	Jackson	Randolph
Cannon	Javits	Ribicoff
Case	Kennedy	Scott, Hugh
Chiles	Mansfield	Stafford
Clark	McGovern	Stevens
Cook	McIntyre	Stevenson
Cranston	Metcalf	Symington
Domenici	Metzenbaum	Taft
Eagleton	Montoya	Tunney
Hart	Moss	Williams
Hartke	Muskie	Young

NOT VOTING—10

Aiken	Hatfield	Mondale
Beall	Mathias	Pastore
Fulbright	McGee	Schweiker
Gravel		

So Mr. ALLEN's amendment (No. 1109) was rejected.

Mr. CANNON. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1082

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the amendment by the Senator from Maine (Mr. HATHAWAY), No. 1082. The amendment will be stated.

The legislative clerk read as follows:

On page 75, line 19, redesignate subsection "(a)" as subsection "(a)(1)".

On page 75, line 19, strike the word "person" and substitute the word "individual".

On page 75, line 22, strike the word "person" and substitute the word "individual".

On page 75, following line 23, add the following new subsection:

"(2) No person (other than an individual) may make a contribution to, or for the benefit of, a candidate for nomination for election, or election, which, when added to the sum of all other contributions made by that person for that campaign, exceeds $6,000."

On page 75, line 25, strike the word "person" and substitute the word "individual".

On page 76, line 2, strike the word "person" and substitute the word "individual".

On page 76, line 2, strike the period and add the following: ", or from any person (other than an individual) which, when added, to the sum of all other contributions received from that person for that campaign, exceeds $6,000.".

Mr. HATHAWAY. Mr. President, I spoke the other day at some length in support of the amendment. I am not going to burden Senators by repeating everything I said the other day, but I should like to make a few points in support of the amendment.

The purpose of the amendment is to differentiate between individuals and organizations with respect to the contributions limitation. The amendment allows organizations to contribute $6,000 per candidate rather than $3,000, which is the limitation now in the bill. The $3,000 limitation will still apply with respect to individuals.

It seems to me that it is inequitable to equate one wealthy individual with an organization whose membership runs to hundreds or thousands. Large citizen groups, whether they be liberal or conservative, or single-issue groups, such as conservation groups, perform a valuable function by serving as funneling organizations to give modest contributors a voice and an impact in the election.

By giving to the political committees that reflect their philosophy or views, more people get interested and stay interested in the electoral process.

In areas where it is difficult to raise funds for a statewide campaign, either because the area simply does not have the funds to provide, or because the candidate is not very well known, these groups provide a means of channeling funds into the area while preventing any outside influence.

Most liberal organizations, trade associations, or business groups already have State, local, or regional affiliates as existing networks to support candidates, and each of them may contribute large sums to each candidate. But citizen groups are usually national. They raise funds by mailings to the general public and would not have the means to multiply their committees and set them up in separate States. So the $3,000 limitation which is at present in the bill for contributions is not enough for broad-based citizen groups or nationwide organizations.

An organization representing 80,000 or more people, such as the National Committee for an Effective Congress, or 70,000, such as the American Conservative Union, should be allowed to contribute as much as a man and wife contribute, under the bill, that amounts to $6,000.

It has been said that it would be preferable to have no group contributions at all; that only individual citizens could make contributions. I agree that it would be nice to have so many individuals interested in our electoral process that we could rely solely on individual contributions. Ultimately, that should be our goal.

But at present, organizations that pool contributions from groups of citizens who share a view or an ideology perform a valuable function in our system, and I feel that they are being treated unfairly as individuals in the committee bill.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time for the quorum call be charged to this side.

The PRESIDING OFFICER. Without objection, it is so ordered. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. I ask unanimous consent that during the consideration of the pending legislation, Mr. Philip Reberg of my staff be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. HARRY F. BYRD, JR., On the same time that ran before I called off the quorum call.

Mr. GRIFFIN. Mr. President, will the Senator withhold that?

Mr. HARRY F. BYRD, JR. I withdraw it.

Mr. GRIFFIN. Mr. President, I yield myself such time as I may require.

The pending amendment would make a change that in my view is wrong in principle.

As the bill is now written, special interest groups—organizations that collect and distribute campaign money for business, labor, farm and other special interest groups—including the infamous milk funds—would be limited to $3,000 in the contributions made to the campaign of any candidate. The amendment proposed would increase that limit to $6,000.

In my humble opinion it would be well if we could wipe out contributions of any size from special interest groups to a candidate's campaign. I considered offering just such a counter-amendment which would eliminate even the $3,000 contribution. I recognize, however, that there would be little chance that such an amendment could prevail.

I shall not argue the constitutional issue—even though I recognize that it does exist. But whether the limit is $3,000 or $6,000 does not really change the constitutional arguments.

The question, so far as I am concerned, essentially is one of direction and principle. It is my view that to increase the limit from $3,000 to $6,000, as the Senator from Maine would do by his amendment, would be to go in the wrong direction; it would be going away from campaign finance reform—which is supposed to be the purpose of the bill.

As the distinguished Senator from Tennessee (Mr. BAKER) said earlier today in a colloquy, special interest groups do not vote; people vote. And it seems to me that we should be endeavoring, in this reform legislation, to focus on more direct participation by individual citizens rather than to encourage the channel of campaign support through special interest groups.

When an individual contributes to a special interest group—whatever its ideology, philosophy or legislative purpose—and then allows the directors of that organization to determine which candidates should be supported opposed with his money, that individual is thereby delegating an important element of his own citizenship responsibility. I just do not think it is in the national interest to encourage that practice.

This amendment, in my view, would erode and weaken the strength that is in the bill now. It should be voted down.

I realize that in many campaigns—in some Senate campaigns and certainly in Presidential campaigns—the enlargement from a $3,000 limit to a $6,000 limit could be considered relatively insignificant. But the amendment would not be so insignificant, I suggest, in many races for seats in the House of Representatives.

At the present time, many candidates who run for House seats conduct their entire campaigns on total amounts of $12,000, $15,000, or $20,000. Certainly, in those situations, a $6,000 contribution coming from a special interest group would be a large portion of the total amount spent in the campaign.

It would be much better, it seems to me, if all contributions made to a campaign were to come directly from individual citizens and if there were complete and full disclosure concerning all such contributions.

The amendment leaves open the possibility, at least, that campaign funds can be "laundered" through the conduit of a special interest group.

Whatever may have been possible in the past in that regard, it seems that this practice should be eliminated. The people want clean elections; they want full disclosure.

To allow contributions to be channeled through special interest groups could be a method of concealing and covering up financial support, rather than disclosing it.

So, for those reasons, I urge my colleagues to vote down the amendment.

Mr. President, I reserve the remainder of my time.

Mr. HATHAWAY. Mr. President, I yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, I rise to speak for the amendment. I have listened but have not had the opportunity to be exposed to all the arguments on both sides. I realize the point the Senator from Michigan is making, that this permits the enlargement of the laundering fund, but with all this legislation we have to weigh the good and the bad. My own view is that the organizations that would be most affected by the $3,000 limitation would be organizations whose contributions were basically small and that they should be permitted to contribute, because they are organizations that would be representing large groups of people.

The $3,000 figure is an arbitrary figure. The $6,000 figure proposed in the amendment of the Senator from Maine is also an arbitrary figure. Perhaps the $6,000 figure more nearly meets the needs of the situation.

It is for these reasons that I would respectfully disagree with the Senator from Michigan and support the Senator from Maine.

Mr. HATHAWAY. Mr. President, I yield myself such time as I may require.

I want to answer a few points raised by the Senator from Michigan. He pointed out that we would be allowing organizations such as milk co-ops to double the contribution which they can now make under the bill. To be sure, those co-ops have come under some surveillance in the recent past, and some suspicions have been cast on those particular organizations, but the same thing is true of some individuals. A husband and wife can give $6,000, and I suppose there are husbands and wives that might come under some suspicion as to what motivated them to make such a contribution.

Certainly, in this bill, we cannot pretend to examine every potential contributor and say that only those who do not come under suspicion may make contributions and those who are under suspicion may not do so. That is a matter for the individual candidate to judge for himself when he chooses to accept such a contribution.

Also, I should like to mention that the amount involved is not the point at issue there. The reason for the amendment is to do equity and justice to organizations. Under the terms of the bill itself, an individual can give $3,000 and a husband and wife can give $6,000, even though all the money is coming from the husband.

This simply puts large organizations which have many members—and I have already cited two such organizations—the Committee for an Effective Congress and the Americans for Conservative Action, which have 80,000 and 70,000 members respectively—on the same basis for making contributions as a husband and wife.

Many people throughout this Nation have a propensity to participate in politics. They make contributions to various candidates. Many people throughout the country, from Maine to Hawaii, are interested in knowing the composition of the House of Representatives and the composition of the Senate. They are not necessarily interested only in the candidates who are running in their respective States. Organizations serve as the vehicle for these people to make contributions to those candidates throughout the country who represent their ideology or philosophy. Individuals who may be able to contribute only $5 to $100 each, and who do not have access to information about all the candidates running for office are justified, I think, in relying on the organizations which give them leadership and direction about where to make their contributions.

The point was made by the Senator from Michigan that the people do not necessarily know where their contributions are going. Certainly they know the purpose of the organizations to which they are making contributions. I do not know of any organization that deceives its supporters into believing the contribution will be used otherwise than in a way that will be consistent with what the organization holds itself out to be.

In conclusion, let me say that the amendment merely puts an organization on a more equitable basis than the basis on which it will be if the bill passes in its present state.

Mr. President, I urge Senators to support this amendment.

I reserve the remainder of my time.

Mr. GRIFFIN. Mr. President, how much time remains on this side?

The PRESIDING OFFICER (Mr. HUDDLESTON). Fifteen minutes remain.

Mr. GRIFFIN. I thank the Chair.

Mr. President, of course, I respect the views of the distinguished Senator from Maine. I realize there is some points to what he says, but I do not find his argument weighty enough to convince me that I should support his amendment.

I take issue, particularly, with the thrust of that part of his argument which appeared to condone the delegation by individuals to special interest groups of their citizenship responsibilities.

Of course, there is an infinite number of special interest groups—many of them are interested in only one particular issue. For example, I think of the Right to Work Organization, which is interested in nothing except the one issue of so-

called right-to-work legislation. The organization collects funds and provides support for candidates needless to say, it hopes—or expects—that those candidates will vote right on their particular issue.

I do not wish to criticize the right-to-work organization. It is no different than hundreds of other one-issue special interest groups.

I do not believe it serves the national interest when candidates are elected to Congress because of funds supplied by special-interest, pressure groups. Such groups are not interested in the complete record of the candidate. The one-issue special-interest group cares only about the position of the candidate on its issue.

Such an organization will support or work to defeat a candidate solely on the basis of the candidate's views on that one issue.

If the limit on such support were increased as proposed by this amendment, the influence of such groups would be doubled as compared with the pending bill.

I urge the defeat of this amendment.

Mr. HATHAWAY. Mr. President, I yield such time as he may need to the Senator from South Dakota (Mr. ABOUREZK).

Mr. ABOUREZK. Mr. President, we must work to create an electoral system where Americans by the tens of millions can and will actively participate. This ultimately is the greatest safeguard of our constitutional freedoms.

In recent years, organizations ranging from the conservative Americans for Constitutional Action to the liberal National Committee for an Effective Congress and the League of Conservation Voters have been working vigorously to achieve more active participation in politics. Many of these organizations have been in the forefront of the fight for meaningful reform of the electoral process. At the same time they have actively solicited tens of thousands of donations from citizens to be pooled together and contributed to congressional candidates.

As the Federal Elections Campaign Act is now written, these groups will be severely limited. Their pooled contributions will be treated the same as individual contributions. The Council for a Liveable World, for example, might get contributions from 500 citizens average $20 for a total of $10,000. The Council might want to give that money to one progressive candidate but it would be allowed to give only $3,000. However, Mr. and Mrs. Clement Stone, if they wanted to, and I imagine they would want to, could give $6,000 to a special-interest opponent. And all the little Stones could each give $3,000 as well.

The New York Times looked at this situation earlier this month and editorialized that:

> Surely such organizations, whatever their political complexion, can be allowed to contribute three or four times the amount of a single person without distorting the will of the electorate.

Senator HATHAWAY in his amendment asks that such organizations be allowed to contribute only twice that of an individual.

I support Senator HATHAWAY's amendment. It is a reasonable compromise. It is a compromise that will be unpalatable to the large corporate interests, each of whom would like to give their $3,000 contributions in splendid isolation. But it is a compromise that will work to expand and broaden the political process, not to narrow it.

I thank the Senator for yielding.

Mr. COOK. Mr. President, I yield myself 5 minutes on the bill.

The PRESIDING OFFICER. There is no time on the bill.

Mr. GRIFFIN. I yield the Senator 5 minutes.

Mr. COOK. First of all, Mr. President, we are talking about a matter of semantics, and I hope it does not get down to an argument between whether C. Clement Stone and his wife give $6,000 or the Committee for an Effective Congress can give only $3,000. We are debating the whole issue that we really picked a figure with no study as to how we got to that figure. Therefore, any place we go from that particular figure to another particular figure is just a matter of making a determination as to whether we agree or do not agree.

Another point I should like to make is that we discussed this business of whether it is or is not a means by which we can launder funds. Obviously, one can launder funds at $3,000 contributions as well as at $6,000 contributions. But this bill depends on the people of the United States to have a basic concept of what the law is and whether they are willing to live by the law or whether they are willing to break the law.

I suggest to the Senator from Michigan that under this act, if we pass it relatively in the form it is in, we provide that one cannot do what the Senator has suggested. I read to him from page 76, paragraph (c):

> (c)(1) For purposes of the limitations contained in this section all contributions made by any person directly or indirectly to or for the benefit of a particular candidate, including contributions which are in any way earmarked, encumbered, or otherwise directed through an intermediary or conduit to that candidate, shall be treated as contributions from that person to that candidate.

So the only point we have to raise here, if we believe that in the operation of the political process it is our intention to abide by the law, is that if one wishes to give $3,000 and say, "Will you please give it to the Senator from Maine, and that is whom I want it to go for," under the law, the organization that receives the $3,000, and is a conduit to get it to the Senator from Maine, has to report where it came from, and that it was instructed to pass it on.

The point I really think we are getting down to is not a point between C. Clement Stone and the Committee for an Effective Congress, but an honest-to-goodness point. I think the only point that has merit is whether a husband and wife who have substantial assets can give to one candidate $6,000 and someone who has substantial assets and gives a facility or a lobbying group such as the Committee for an Effective Congress, the Committee for a Federal World, or the Committee for a Cleaner Environment, can give only $3,000 because they cannot marry another committee.

I think that is the issue before us, and that is the issue on which we have to make a determination when we vote.

The PRESIDING OFFICER (Mr. ABOUREZK). Who yields time?

Mr. GRIFFIN. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. GRIFFIN. Mr. President, I do not take issue with the Senator from Kentucky.

Mr. COOK. I thank the Senator for the time.

Mr. GRIFFIN. I am pleased that the language to which he refers is in the bill, and it will be helpful. It is an important step in the right direction.

However, I still believe that the basic question is the one I raised at the outset of my presentation—that is whether the citizenship responsibility should be delegated by individual citizens to special-interest groups.

I find it interesting and somewhat ironic that some of the organizations that are the loudest in their calls for reform, including ceilings on contributions and expenditures, are in the front of support for weakening amendments such as the one pending now. The New York Times, which frequently calls for election reform, is unrealistic when it contends that special interest groups could give 3 or 4 times as much as the bill provides without influencing or affecting elections. That is absolutely absurd as it would apply to House races. If the limit were to be three or four times what it is in the bill, then a special interest group could, in effect, provide the major portion of the funds on which a candidate would run for the House of Representatives.

Mr. President, the arguments have been presented; and so far as I am concerned, I am willing to yield back the remainder of my time.

Mr. HATHAWAY. Mr. President, I yield 5 minutes to the junior Senator from Kentucky.

Mr GRIFFIN. I reserve the remainder of my time.

Mr. HUDDLESTON. I thank the distinguished Senator for yielding.

Mr. President, I have a couple of points to make in support of this amendment.

It has been a long accepted concept in this country—and indeed a tradition—that citizens are able to join other citizens of like philosophy, of like purposes or objectives, so that their combined force may have a combined impact greater than the individual would have himself.

I would think that a person who has only a few dollars to contribute to a candidate of his choice must feel somewhat helpless as he considers what impact his contribution might make or what influence he may have, when he considers that other individuals can contribute $3,000 or, in the case of a married couple, $6,000.

What we are doing here, it seems to me, is to give individuals who are willing to join because they have a like interest or like philosophy or a like objective, and

provide some impact, if they have $50,000, $100,000, or whatever, comparable to a couple. It is reasonable to assume that the interest of two individuals will be somewhat more narrow in relation to the interest of the general public and the interest of some 50,000 or 60,000 people who join together. So it does not seem unreasonable that this kind of organization would receive the same treatment as a couple who happen to be married, which would represent the interests of only two individuals.

I support the amendment. I believe with the restrictions it would be subject to very little abuse. It would be a contribution to those who like to participate and like to know their views are being felt by joining an organization, knowing that the organization might have some impact, at least as much as a couple, on the outcome of a race in which they are interested because they support a candidate.

Mr. GRIFFIN. Mr. President, it should be recognized that a $3,000 contribution for some individuals means no more than $5 contribution for other individuals. But more important, I believe, is the fact no automatic implication is attached to individual's contribution under normal circumstances.

On the other hand, when a special interest group, organized to promote particular issues, makes a contribution, there is no question as to what the motive and purpose of that special interest group. No one would doubt what the purpose or motive is when a milk fund, for example, makes its contributions.

I think the American people understand this distinction very well. They do not want the Congress to go in the direction of this amendment. They expect more from this Congress in terms of campaign financing reform.

Mr. HATHAWAY. Mr. President, how much time is remaining to both sides?

The PRESIDING OFFICER. The Senator from Michigan has 1 minute remaining and the Senator from Maine has 14 minutes remaining.

Mr. HATHAWAY. Mr. President, I just want to point out in conclusion that as far as the amount involved is concerned, the President advocated a $15,000 limitation, at least with respect to Presidential campaigns. It seems to me the $3,000 for individuals and $6,000 for a group limitation, being considerably below the amount recommended by the President, is realistic. I do not believe that the distinction which was being made by the distinguished Senator from Michigan with respect to special interest groups can be made between the groups and a married couple. A married couple that is able to contribute $6,000 to a candidate is just as apt to have a special interest as a special interest group.

I do not think we can make a legislative decision about whether a special interest group, couple, or individual should or should not make a contribution.

The Senator from Michigan mentioned earlier in his remarks that there are constitutional problems involved. Certainly, we do not want to inhibit any person or group in making a contribution; whether an individual is interested in all legislation before Congress or only in one piece of legislation, he or a group to which he belongs should be able to make a contribution. And as I have said, a group should be able to make the same contribution as a married couple.

Mr. President, I know of no reason not to yield back the remainder of my time.

Mr. GRIFFIN. I yield back the time on this side.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Maine. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PASTORE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting the Senator from Rhode Island (Mr. PASTORE) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from Maryland (Mr. MATHIAS), and the Senator from Pennsylvania (Mr. SCHWEIKER) are necessarily absent.

I also announce that the Senator from Oregon (Mr. HATFIELD) is absent on official business.

I further announce that the Senator from Vermont (Mr. AIKEN) is absent due to illness in the family.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 46, nays 42, as follows:

[No. 93 Leg.]

YEAS—46

Abourezk	Hartke	Moss
Bayh	Haskell	Muskie
Bentsen	Hathaway	Nunn
Bible	Huddleston	Pell
Brooke	Hughes	Randolph
Byrd, Robert C.	Humphrey	Ribicoff
Cannon	Inouye	Sparkman
Case	Jackson	Stafford
Church	Javits	Stennis
Clark	Johnston	Stevens
Cook	Magnuson	Stevenson
Cranston	Mansfield	Symington
Dole	McGovern	Tunney
Eagleton	Metcalf	Young
Eastland	Metzenbaum	
Hart	Montoya	

NAYS—42

Allen	Ervin	Nelson
Bartlett	Fannin	Packwood
Bellmon	Fong	Pearson
Bennett	Goldwater	Percy
Biden	Griffin	Proxmire
Brock	Gurney	Roth
Buckley	Hansen	Scott, Hugh
Burdick	Helms	Scott, William L.
Byrd, Harry F., Jr.	Hollings	Taft
Chiles	Hruska	Talmadge
Cotton	Kennedy	Thurmond
Curtis	Long	Tower
Domenici	McClellan	Weicker
Dominick	McClure	
	McIntyre	

NOT VOTING—12

Aiken	Gravel	Mondale
Baker	Hatfield	Pastore
Beall	Mathias	Schweiker
Fulbright	McGee	Williams

So Mr. HATHAWAY's amendment (No. 1082) was agreed to.

Mr. HUDDLESTON. Mr. President, I move that the Senate reconsider the vote by which the amendment was areed to.

Mr. COOK. I move to lay that notice on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2747) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under that act, to expand the coverage of the act, and for other purposes.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

The Senate continued with the consideration of the bill (S. 3044) to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, before the Senator from Alabama is recognized, I should like to make a request. I ask unanimous consent that following the disposition of the amendment to be offered by the Senator from Alabama there be a 30-minute limitation on the Bentsen amendment, which is next in order, the time to be equally divided between the Senator from Texas (Mr. BENTSEN) and the manager of the bill (Mr. CANNON); and that in addition there be a 10-minute limitation on an amendment to be offered to the amendment, to be divided between the sponsor of the amendment, the distinguished Senator from Texas (Mr. BENTSEN), and the acting Republican leader, the distinguished Senator from Michigan (Mr. GRIFFIN).

The PRESIDING OFFICER. Is this an amendment to the amendment?

Mr. MANSFIELD. Thirty minutes and 10 minutes, the 10 minutes to be on the amendment to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I now ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GRIFFIN. Mr. President, while a large number of Senators are in the Chamber, would the distinguished majority leader allow me to ask unanimous consent that it be in order to ask for the yeas and nays on my amendment to the amendment, with the understanding that if the amendment is accepted, the

order for the yeas and nays will be withdrawn?

Mr. MANSFIELD. Certainly.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that it be in order for me to ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is the Senator asking that it be in order to ask for the yeas and nays at this time?

Mr. KENNEDY. Mr. President, will the Senator describe his amendment? Or is his request merely to ask for the yeas and nays.

The PRESIDING OFFICER. That it be in order to order the yeas and nays at this time. Is there objection to the request of the Senator from Michigan?

Without objection, it is so ordered.

Mr. GRIFFIN. I now ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

AMENDMENT NO. 1110

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized to call up his amendment No. 1110, which will be stated.

The assistant legislative clerk read as follows:

On page 4, line 21, immediately after "(C)", insert "and".

On page 4, line 24, beginning with "and (D)", strike out through line 2 on page 5 and insert in lieu thereof a semicolon.

On page 7, line 9, immediately after the semicolon, insert "or".

On page 7, line 17, strike out the semicolon and "or" and insert in lieu thereof a period.

On page 8, beginning with line 3, strike out through line 7.

On page 9, line 7, strike out "for nomination for".

On page 9, line 8, immediately after the comma, insert "the candidate and his authorized committees must have received contributions for his general election campaign in a total amount of more than $250,000 and".

On page 9, line 12, strike out "primary" and insert in lieu thereof "general".

On page 9, line 24, immediately after "candidate", insert "other than a Presidential candidate".

On page 10, beginning with line 3, strike out through line 10.

On page 10, strike out lines 11 and 12 and insert in lieu thereof "(2) For the purposes of paragraph (1), no contribution from".

On page 13, line 16, strike out "(1)".

On page 13, line 17, strike out "(f)" and insert in lieu thereof "(e)".

On page 13, line 24, strike out "(g)" and insert in lieu thereof "(f)".

On page 14, beginning with line 9, strike out through line 3 on page 15.

On page 15, line 5, strike out "(f)" and insert in lieu thereof "(e)".

On page 15, line 10, strike out "(g)" and insert in lieu thereof "(f)".

On page 15, beginning with line 22, strike out through line 3 on page 16.

On page 16, line 4, strike out "(e)" and insert in lieu thereof "(d)".

On page 17, line 4, strike out "(f)" and insert in lieu thereof "(e)".

On page 17, line 21, strike out "(g)" and insert in lieu thereof "(f)".

On page 18, line 4, strike out "(h)" and insert in lieu thereof "(g)".

On page 72, between lines 3 and 4, insert the following:

"(2) (A) Except to the extent such amounts are changed under section 504(e) (2) of the Federal Election Campaign Act of 1971, no candidate for nomination for election to the office of President may make expenditures in connection with his primary election campaign in any State in which he is a candidate in such an election in excess of the greater of—

"(i) 20 cents multiplied by the voting age population (as certified under section 504(f) of the Federal Election Campaign Act of 1971) of that State, or

"(ii) $250,000.

"(B) Notwithstanding the provisions of subparagraph (A), no such candidate may make expenditures throughout the United States in connection with his campaign for that nomination in excess of an amount equal to 10 cents multiplied by the voting age population of the United States. For purposes of this subparagraph, the term 'United States' means the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, Guam, and the Virgin Islands and any area from which a delegate to the national nominating convention of a political party is selected.

"(C) The Commission shall prescribe regulations under which any expenditure by a candidate for nomination for election to the office of President for use in two or more States shall be attributed to such candidate's expenditure limitation in each such State under subparagraph (A) based on the voting age population in such State which can reasonably be expected to be influenced by such expenditure.".

On page 72, line 4, strike out "(2)" and insert in lieu thereof "(3)".

On page 72, line 7, strike out "(3)" and insert in lieu thereof "(4)".

On page 72, line 12, strike out "(4)" and insert in lieu thereof "(5)".

On page 72, line 21, strike out "(5)" and insert in lieu thereof "(6)".

Mr. MANSFIELD. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order at this time to ask for the yeas and nays on the third Allen amendment, on which there is a limitation of 30 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. I now ask for the yeas and nays on the third Allen amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, this amendment removes from the bill, and therefore from the Federal subsidy, the Presidential nomination contest. It would leave the House and Senate primaries and general elections, and the general election for the Presidency, but would take out from under the bill the contest for the nominations for President and Vice President of the two major parties. The bill as it now stands would provide for matching campaign contributions of up to $250, for up to a total of some $7.5 million for every candidate for the nomination of the two major parties who was able to raise $250,000.

I do not believe that the taxpayers of Nation want to subsidize the campaign, not for the Presidential election, which is already provided for in the checkoff and provided for in other portions of the bill, but to give every candidate for the nomination of the Republican Party and every candidate for the nomination of the Democratic Party up to $7.5 million toward his campaign. I thought the idea was to reduce the amount of expenditures in primaries and in general elections.

But far from doing that, I would think $7.5 million is as much as a person could raise in a race for the Presidential nomination. Then this measure would provide for the Government, the taxpayers, putting in icing of $7.5 million on the amount that the candidate raises. So this amendment would simply take out from under the bill the Presidential nomination contests.

I do not think it is right to make available to Governor Rockefeller, for example, $7.5 million, to Governor Reagan $7.5 million, to Governor Connally $7.5 million, or, to bring it a little closer to home, to the distinguished Senator from Illinois (Mr. PERCY) or the distinguished Senator from Massachusetts (Mr. KENNEDY) or the distinguished Senator from Texas (Mr. BENTSEN). I do not feel that the taxpayers should pay $7.5 million to the Presidential candidacies of these various individuals who want to run for President.

Let them run for President; that is fine. I wish them all well. Though they all cannot be nominated, I wish them well; but I do not think the taxpayers should have to foot the bill for half of their expenditures. I think there are a great many more causes that should have priority over subsidizing the races of candidates for the Presidential nomination.

For another thing, Mr. President, this bill does not set any limit on the Presidential race for which matching is made available. If a fellow said, "I do not want to run in 1976, but I do want to run in 1980, or 1984, or 1988," well, he could be getting Uncle Sam to finance his campaign all through that period.

Also, looking backward, there is no starting point, no cutoff time, back of which matching contributions may not be made. So it appears, and the distinguished Senator from Rhode Island in a previous colloquy on this issue so stated, that there is no cutoff time back of which contributions could not be received. If a man has been running for the Presidency for several years, would those contributions be matchable? As I read the bill, all he would have to do is get his list of contributors, pick up a matching check, and go on his merry way soliciting contributions and having them matched by the Government.

I do not believe this is election reform, Mr. President. I think we ought to limit the amount that can be spent, but keep it in the private sector, demanding strict reporting, strict disclosure of contributions and expenditures, but not just handing the bill to the taxpayer.

That is what this amendment would

seek to do in taking from under the provisions of the bill the Presidential primary contests which we see every 4 years, attended with a lot of hoopla and various political goings on of that sort.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLEN. I yield myself 1 additional minute.

I do not believe it is in the public interest to make $7.5 million available to some 15 or 20 candidates for the Presidency, just to get out and waste the taxpayers' money in that fashion.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. Mr. President, I yield myself such time as I may require. This is just another attack on the whole concept of public financing. The Senate has voted against the distinguished Senator's proposal to eliminate public financing from the bill. Since that time, he has come up with another amendment that would have eliminated public financing for congressional races, and the Senate has decided against him on that issue. Now, this is the only remaining part of the elimination of public financing. If you vote to eliminate the Presidential race, you are simply voting piecemeal on the issues that are in the bill under the concept of public financing.

If Senators are for public financing, they should vote against this amendment. If they are not, then they should vote for the amendment, because that would strike out public financing on this portion of the bill.

The Senator has made the statement that a number of people could come in and, in effect, raid the Public Treasury for campaign funds. But the requirements in the bill are such that a person has to have demonstrated widespread public support before he is eligible. So it does not mean that everyone who wanted to run for President would be entitled to get matching funds out of the Treasury. They must have demonstrated support to the levels set in the bill before they would be eligible for the matching funds contribution, and I might say that they could only receive that money to the extent that the funds are available as provided in the bill in the separate fund, or unless Congress appropriated them. So it in no wise permits someone to come in and raid the Treasury.

But I say again in conclusion, Mr. President—and then I am prepared to yield back the remainder of my time—that the issue is very simple. The Senate voted on the issue last fall, and instructed us to come back with a proposal for public financing. This we did. There was a vote to strike out public financing. That was defeated. There was a vote to strike out public financing for candidates for Congress. That was defeated. The only other element in the bill is public financing for candidates for the Presidential nomination, and that is covered by this amendment. I urge the Senate to reject the amendment.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. ALLEN. I am sure that the Senator understands that the amendment is not directed at the Presidential general election; it has to do only with the nominating process.

Mr. CANNON. I understand that the amendment relates only to the primary portion, which does have the triggering factor that the candidate must have demonstrated widespread support.

Mr. ALLEN. He could get that all in one State, could he not, under the provisions of the bill? So it would not have to be really very widespread.

Mr. CANNON. Well, I think he would have a very difficult time raising that kind of money in one State. That would be my own reaction, that he would have a difficult time meeting the triggering factor in only one State, though it might be possible.

Mr. ALLEN. But I guess one could expect that in California, for a candidate to get up to some $700,000 in one State, in $100 dollar contributions, or $250,000 in $250 contributions in Presidential nomination contests.

Mr. CANNON. Well, the triggering factor in the State of California provides a maximum limit as well as the minimum.

Mr. ALLEN. Yes, but he could get——

Mr. CANNON. The Senate candidates, if they triggered in California, would raise only $125,000.

Mr. ALLEN. Yes. But $700,000 would be available to him on a matching basis, would it not?

Mr. CANNON. That is correct, provided he met the triggering factor.

Mr. ALLEN. Yes, so if he could raise $700,000 in $100 contributions in one State, it would certainly seem likely that a Presidential candidate of not too much stature could raise $250,000 in $250 contributions in one State.

The point I was making was that I was taking mild exception to the Senator's statement that it required widespread support. But the support could come from one State or from the District of Columbia.

Mr. CANNON. The Senator is correct. It could come from one State, provided he raised that triggering amount from one State.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. LONG. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I yield.

Mr. LONG. How many States did the Senator wish a person to raise money in?

Mr. ALLEN. I rather imagine it will be adopted—I am not absolutely sure—because I have not had too much success with my amendments—but I have an amendment that would require that the $250,000 triggering amount would have to be raised with $2,500 contributions from at least 40 States to show widespread support.

Mr. LONG. It would seem to me that if a man had support in 10 States that should be enough.

Mr. ALLEN. Take a man like the head of Common Cause, Mr. Gardner, he could raise the $250,000 without too much trouble. He seems to be able to raise larger amounts than that. That would entitle him to start dipping into the Public Treasury, ostensibly to run for President, if he has the contributions. I do not feel that we should encourage everyone who has the ability to raise $250,000 from getting that matched and getting subsequent contributions matched on an equal basis out of the Federal Treasury up to a limit of $7.5 million in matching funds. I do not believe that is what we want to do with the taxpayers' money.

Mr. LONG. I find myself thinking along the same lines as the Senator, that any Senator from a large State, a personable Senator from a large State, say, who could raise a quarter of a million dollars easily—even an average size State—I think that the man potentially could raise that much money in his own State if the people thought he had the slightest chance. So that it would seem appropriate he should have to demonstrate that he could raise a substantial portion—maybe $100,000 or $150,000—to indicate that he was not purely a candidate of his own constituency.

Mr. ALLEN. I have an amendment to offer later on which would carry that into effect.

Mr. LONG. I thank the Senator from Alabama.

Mr. ALLEN. I thank the Senator from Louisiana.

Mr. President, I yield back the remainder of my time.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. McCLURE). All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Alabama (Mr. ALLEN) No. 1110.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from North Carolina (Mr. ERVIN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Wyoming (Mr. McGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PASTORE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE), and the Senator from Wyoming (Mr. McGEE) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), and the Senator from Pennsylvania (Mr. SCHWEIKER) are necessarily absent.

I also announce that the Senator from Oregon (Mr. HATFIELD) is absent on official business.

I further announce that the Senator from Vermont (Mr. AIKEN) is absent due to illness in the family.

I further announce that, if present

and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

On this vote, the Senator from Vermont (Mr. AIKEN) is paired with the Senator from Minnesota (Mr. MONDALE).

If present and voting, the Senator from Vermont would vote "yea" and the Senator from Minnesota would vote "nay."

The result was announced—yeas 35, nays 53, as follows:

[No. 94 Leg.]

YEAS—35

Allen	Eastland	Nunn
Bartlett	Fannin	Roth
Bellmon	Fong	Scott, William L.
Bennett	Goldwater	Sparkman
Brock	Griffin	Stennis
Buckley	Gurney	Taft
Byrd, Harry F., Jr.	Hansen	Talmadge
Byrd, Robert C.	Helms	Thurmond
Cotton	Hollings	Tower
Curtis	Hruska	Weicker
Dole	Johnston	
Dominick	McClellan	
	McClure	

NAYS—53

Abourezk	Haskell	Moss
Bayh	Hathaway	Muskie
Bentsen	Huddleston	Nelson
Bible	Hughes	Packwood
Biden	Humphrey	Pearson
Brooke	Inouye	Pell
Burdick	Jackson	Percy
Cannon	Javits	Proxmire
Case	Kennedy	Randolph
Chiles	Long	Ribicoff
Church	Magnuson	Scott, Hugh
Clark	Mansfield	Stafford
Cook	Mathias	Stevens
Cranston	McGovern	Stevenson
Domenici	McIntyre	Symington
Eagleton	Metcalf	Tunney
Hart	Metzenbaum	Young
Hartke	Montoya	

NOT VOTING—12

Aiken	Fulbright	Mondale
Baker	Gravel	Pastore
Beall	Hatfield	Schweiker
Ervin	McGee	Williams

So Mr. ALLEN's amendment (No. 1110) was rejected.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 2174) to amend certain provisions of law defining widow and widower under the civil service retirement system, and for other purposes.

The Vice President subsequently signed the enrolled bill.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

The Senate continued with the consideration of the bill (S. 3044) to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns.

Mr. CHURCH. Mr. President, I ask unanimous consent that Ric Glaub, a member of my staff, be accorded the privilege of the floor during the debate on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the pending business is the amendment of the Senator from Texas (Mr. BENTSEN), amendment No. 1083. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

The amendment is as follows:

On page 76, between lines 2 and 3, insert the following:

"(2)(A) No candidate may knowingly solicit or accept a contribution for his campaign—

"(i) from a foreign national, or

"(ii) which is made in violation of section 613 of this title.

"(B) For purposes of this paragraph, the term 'foreign national' means—

"(i) a 'foreign principal' as that term is defined in section 611(b) of the Foreign Agents Registration Act of 1938, as amended, other than a person who is a citizen of the United States; or

"(ii) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act.".

On page 76, line 3, strike out "(2)" and insert in lieu thereof "(3)".

On page 76, line 6, immediately after "(1)", insert "or (2)".

Mr. BENTSEN. Mr. President, my amendment is very simple. The amendment would ban the contributions of foreign nationals to campaign funds in American political campaigns. The amendment specifically excludes resident immigrants living in this country. It in no way stops the contributions of American nationals living overseas who are U.S. citizens. They would be able to contribute to American political campaigns.

Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BENTSEN. Mr. President, all of us have heard the stories, I am sure, in reecnt months of the enormous amounts of money contributed in the last political campaign by foreign nationals. We have heard of the hundreds of thousands of dollars sloshing around from one country to another, going through foreign banks, being laundered through foreign banks; and we have heard allegations of concessions being made by the Government to foreign contributors. I do not know whether those allegations are true or not. I am not trying to prejudge them. That would be up to the courts to determine. I am saying that contributions by foreigners are wrong, and they have no place in the American political system. The law is ambiguous and confusing. The Department of Justice was asked to make an interpretation. Congress thought it had taken care of the matter long ago, but the Department of Justice said that the law, when it refers to foreign principals, applied only to those who had agents within this country. Therefore, this left a giant loophole for contributions to be made by foreign individuals. It allowed huge sums to flow into the doffers of American political candidates in 1972 and it is essential that we have legislation to clarify the situation.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from L. Fred Thompson, Director of the Office of Federal Elections at the General Accounting Office, addressed to me, wherein he indorses the enactment of clarifying legislation to ban contributions by foreign nations.

There being no objection, the letter was odered to be printed in the RECORD, as follows:

U.S. GENERAL ACCOUNTING OFFICE,
Washington, D.C., March 26, 1974.

HON. LLOYD BENTSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BENTSEN: Through recent informal contacts with a member of your staff we have learned of your interest in offering a floor amendment to S. 3044, 93rd Congress, 2d Session, which would clarify Congress' intent regarding section 613 of Title 18, United States Code.

This provision prohibits political contributions by any agent of a foreign principal and also prohibits the solicitations, acceptance, or receipt of any such contribution from any agent of a foreign principal or from the foreign principal directly. The responsibility for enforcing 18 U.S.C. 613 rests with the Attorney General of the United States.

In the course of our administration of the Federal Election Campaign Act of 1971, as the supervisory officer responsible for presidential campaigns, we made several referrals of apparent instances of foreign contributions to the Attorney General. We have been advised by the Department of Justice that the term "foreign principal" as used in section 613 does not have the same meaning as "foreign national." The Department's view is that to be a foreign principal within the meaning of section 613 it is essential to have an agent acting or operating within the United States. Therefore, in the opinion of the Department, the mere acceptance of a political contribution from a "foreign national" without evidence to establish that such foreign national is a "foreign principal" having an agent within the United States would not constitute a violation of the statute.

In view of the statutory interpretation placed on the existing law by the Department of Justice, it is our opinion that to prohibit foreign contributions to U.S. political campaigns the statute should be amended to expressly bar a candidate, or an officer, employee, or agent of a political committee, or any person acting on behalf of any such candidate or political committee from knowingly soliciting, accepting, or receiving any contribution from any "foreign national." For this purpose the term "foreign national" should be defined to include:

(1) any person who is a "foreign principal" or an "agent of a foreign principal" as presently defined in 18 U.S.C. 613;

(2) any individual who is neither a citizen nor a permanent resident of the United States; and

(3) any partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.

In testimony last June before the Senate Rules and Administration Committee, Phillip S. Hughes, who was then Director of the Office of Federal Elections, stated his view that restrictions should be placed on political contributions by foreign nationals and, at the very least, that Congress should clarify what it intended to prohibit when it enacted 18 U.S.C. 613. (See Hearings before the Senate Committee on Rules and Administration on S. 372 and other Federal election reform bills, 93rd Cong., 1st sess. 262-264.) I believe that Mr. Hughes' testimony at that time continues to represent the position of this office, as well as the Comptroller General, on the issue of political contributions by foreign nationals.

We endorse your efforts to have the Senate

consider an appropriate amendment to 18 U.S.C. 613 at the time it begins floor debate on S. 3044. We will be pleased to provide further information or assistance on this subject if you desire.

Sincerely yours,

L. FRED THOMPSON,
Director.

Mr. BENTSEN. Mr. President, I wish to point out that last June, in testimony before the Committee on Rules and Administration, Mr. Phillip Hughes, who was then Director of the Office of Federal Elections, stated his views that restrictions should be placed on political contributions by foreign nationals.

President Nixon as well in his recent message on campaign financing and the reform of campaign financing called for a ban on contributions by foreign nationals.

My amendment would accomplish that good by making clear that the present ban on contributions by foreign principals extends to foreign nationals as well; and without this ban American elections will continue to be influenced by contributions of foreign nationals.

I do not think foreign nationals have any business in our political campaigns. They cannot vote in our elections so why should we allow them to finance our elections? Their loyalties lie elsewhere; they lie with their own countries and their own governments.

Many in this country have expressed concern over the inroads of foreign investment in this country, over the attempts by foreigners to control U.S. business. Is it not even more important to try to stop some of these foreigners from trying to control our politics? I think this limitation would accomplish that purpose.

One additional point I should like to mention relates to foreign citizens living in the United States as resident immigrants. My amendment would exempt foreigners with resident immigrant status from the ban on contributions by foreigners. There are many resident immigarnts in the United States who have lived here for years and who spend most of their adult lives in this country; they pay American taxes and for all intents and purposes are citizens of the United States except perhaps in the strictest legal sense of the word. These individuals should not be precluded from contributing to the candidate of their choice under the limitations of $3,000 in S. 3044 as well as S. 372 which passed the Senate last summer.

Let me say a word about implementation of the amendment. The responsibility will be placed on the candidate or the committee established on behalf of the candidate to refuse donations proferred by foreigners. Some will say that this places an unnecessary burden on the candidate or his committee. I would point out that present disclosure and reporting laws require the name of the donor, his mailing address, occupation and principal place of business on all contributions over $10. It will then be up to the committee or the candidate receiving a donation from abroad to refuse the contribution coming from a foreigner. Thus there is no additional recordkeeping requirement. Having to determine whether a contribution coming from abroad comes from a foreign national or from an American citizen living abroad may be an inconvenience but it is minor compared to the loophole it closes.

I know the amendment is not foolproof. There are ways to get around just about every campaign finance measure we bring about but my amendment goes a long way toward getting at the problem.

I repeat that the principle of my amendment has the support of President Nixon. It is my understanding that the Senate Watergate Committee is digging into contributions by foreign nationals and its final report will probably suggest reforms on the present status of the statutes pertaining to foreign contributions.

American political campaigns should be for Americans and a large loophole would be closed by my amendment. I urge the Senate to adopt the amendment.

Mr. President, I reserve the remainder of my time.

Mr. COOK. Mr. President, will the Senator yield to me for 3 minutes?

Mr. BENTSEN. I am delighted to yield to the Senator from Kentucky.

Mr. COOK. Mr. President, first I would like to have the Senator from Texas give me the privilege of being a cosponsor of the amendment. I ask unanimous consent that I may be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, I think the Senator from Texas raises an interesting point and we should look at it in reverse. Let us look at the mandate of Congress. Let us look at our creation of the special subcommittee in the Committee on Foreign Relations to investigate the significance of the corporate conglomerate on international affairs. Let us look at the influence that American corporations attempt to exert on other governments. Let us look at it from the standpoint that we in this country are absolutely rather chagrined, and sometimes horrified, at the extent of America's influence on foreign governments. There are attempts to change governments; there are attempts to bolster a particular candidate at a time the time of an election; and there is the situation we have seen in several situations in South America. Congress is investigating a matter under the leadership of the distinguished Senator from Idaho (Mr. (CHURCH) in regard to Chile.

I would say that the significance of all of this is that the United States and those influences in the United States that are of worldwide significance should frankly mind their own business when it comes to the political significance of other countries. In effect, we are saying that those people abroad should mind their own business when it comes to making contributions to political campaigns in the United States.

Am I correct in my basic philosophy?

Mr. BENTSEN. I agree wholeheartedly with the Senator from Kentucky.

Mr. COOK. May I ask the Senator a question? I think this is important. In no way is the Senator from Texas excluding an American national who finds himself by reason of his corporate employment living in Japan, Australia, or anywhere else in the world. Is he excluding that individual from writing his individual check and sending it to a political organization of his choice in the United States in any election?

Mr. BENTSEN. In no way is he precluded from that. He is an American citizen living overseas and he can participate. The American political process should be left to American nationals.

Mr. COOK. I do not think the public knows, and it should be in the RECORD, that in the vicinity of 2 million Americans, who by reason of employment, study, and many, many other situations existing in the commercial world, are located overseas and live there for long periods of time. They are American citizens; their children are American citizens. They maintain voting facilities. The Voting Rights Act of 1965 broadened that ability for American nationals who live overseas to vote.

In no way is the Senator from Texas saying that these people are in any way impeded in making a contribution to the political process in their country.

Mr. BENTSEN. The Senator from Kentucky is absolutely right.

Mr. COOK. I thank the Senator from Texas.

Mr. CANNON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CANNON. I have no quarrel with the basic purpose of this amendment, which is directed toward contributions from abroad to influence political campaigns, but I think it should properly be pointed out that last year in this country there were, as aliens lawfully here, 4,643,457 people. That is a pretty substantial number of people who were here properly in this country, and we permit them to come here for many things other than to come here to be residents.

So I want to be sure the Senator knows exactly what he is doing, because a substantial number of those people are in his own State of Texas, who are lawfully in this country, who are not here as permanent residents, and the only people who would be excluded from this provision are people who are here as permanent residents.

I may say the Immigration people themselves say there is some question in their minds as to the propriety of the language in this particular case. I have no particular brief with it, but I know last year there were 4,633,457 registered aliens in this country. Those people were here in this country lawfully, but by this amendment the Senator is going to preclude many of those people from participating in the elective process by making contributions, and he is also going to impose on the candidate the question of whether he knew or ought to have known that those people were not properly admitted here for permanent residence at the time they made contributions to his campaign. I would venture to say that a mailing campaign that

was put out would result in that person's mail going to hundreds of people in his own State, including the great State of Texas, who would not be eligible to make contributions under this particular amendment, if it is adopted.

I simply want to point that out so Senators will know what they are doing.

As one of my distinguished colleagues pointed out a few minutes ago, we have to get money from somewhere for these campaigns. I remember an old song from a few years ago that was titled "Pennies From Heaven." I am sure we realize that money does not come from heaven to carry out political campaigns.

So, by the Senator's excluding contributions from people who are lawfully in this country, but who are not here as permanent residents, he is creating an undue and an unnecessary burden on the persons who are running for office as well as the persons who are here in this country, and properly so, who would be affected by the amendment.

As I said initially, I support the thrust or the purpose for which the amendment was originally drawn and intended, but I think, frankly, that it goes further than would be intended by Members of this body if they were here to hear the discussion on it. I am sure it would impose some undue burdens on any person who might run for political office, as well as for certain people who are properly here.

If the Senator were to restrict the amendment to money coming from abroad, from foreign nationals abroad, or foreign nationals living abroad, or foreign contributions of any sort, I would completely agree with him, because I think that is not correct.

Mr. BENTSEN. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President, this amendment was carefully drawn to try to exclude certain people who might be legally in this country passing through here as tourists. I do not think they have any legitimate role to play in the political process of this country, nor do illegal aliens in this country. That privilege to contribute ought to be limited to U.S. citizens and to those who have indicated their intention to live here, are here legally, and are permanent residents. Those people would be and should be allowed to make political contributions in this country.

I think one statement ought to be made in response to the comment made by the Senator from Nevada. It has been stated that no candidate may knowingly solicit or accept such contributions, so he must knowingly have done it in order to be in violation.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. BENTSEN. I cannot yield with the limited time I have.

Mr. GOLDWATER. Can I have 2 minutes for a question?

Mr. CANNON. I yield 2 minutes.

Mr. GOLDWATER. How would this affect a person living in Mexico who is an American, working there, who votes by absentee ballot, who has an account in a Mexican bank, with no checking account in an American bank?

Mr. BENTSEN. This amendment does not affect that. If he is an American national living overseas in any foreign country he is allowed to contribute.

Mr. GOLDWATER. Even if the draft is made on a foreign bank?

Mr. BENTSEN. Yes, the distinguished Senator from Michigan has something on that. My amendment does not affect it.

Mr. COOK. Mr. President, if the Senator will yield, may I say to the Senator from Arizona that we will face the very situation he is talking about with the submission of the amendment by the Senator from Michigan. This is not a matter which involves the present amendment in its present form.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, may I suggest to the Senator from Texas that, if he is through with the basic debate on his amendment, he yield back his time——

Mr. BENTSEN. Mr. President, if the Senator from Nevada is prepared to yield back his time, I am prepared to yield back my time.

Mr. GRIFFIN. Mr. President, will the Senator from Texas accept a suggestion? It appears there may be more controversy to my amendment to the Senator's amendment than anticipated. We had only 5 minutes on a side. Perhaps we could make it 10 minutes on a side and use it from the time left on his amendment.

Mr. BENTSEN. Mr. President, if the Senator from Nevada is prepared to yield back his time for that purpose, I am.

Mr. CANNON. Mr. President, I ask unanimous consent that we yield back the time on this amendment and that whatever time is left be added to the 5 minutes to a side on the amendment of the Senator from Michigan.

The PRESIDING OFFICER. There are exactly 11 minutes remaining on this amendment.

Without objection, it is so ordered.

The Senator from Michigan.

Mr. GRIFFIN. Mr. President, I send an amendment to the desk in the nature of a substitute, which is a modified version of my printed amendment No. 1087.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk proceeded to read the amendment.

The amendment to the amendment is as follows:

In lieu of the language proposed to be inserted by amdt. No. 1083 insert the following:

"PROHIBITION OF CONTRIBUTIONS AND EXPENDITURES BY FOREIGN INDIVIDUALS

"SEC. 304. Section 613 of title 18, United States Code, is amended—

"(a) by adding to the section caption the following: 'or drawn on foreign banks';

"(b) by inserting immediately before 'Whoever' at the beginning of the first paragraph the following: '(a)'; and

"(c) by adding at the end thereof the following new subsection:

"'(b) No person may make a contribution in the form of a written instrument drawn on a foreign bank. Violation of the provision of this subsection is punishable by a fine not to exceed $5,000, imprisonment not to exceed five years, or both.'."

On page 71, line 16, strike out "304." and insert in lieu thereof "305.".

On page 76, between lines 2 and 2, insert the following new paragraph:

"(2) No candidate may knowingly solicit or accept a contribution for his campaign—

"(A) from any person who—

"(i) is not a citizen of the United States, and

"(ii) is not lawfully admitted for permanent residence, as defined in section 101 (a) (20) of the Immigration and Nationality Act; or

"(B) which is made in violation of section 613 of this title.".

On page 76, line 3, strike out "(2)" and insert in lieu thereof "(3)".

On page 76, line 6, immediately after "(1)", insert "or (2)".

On page 78, line 19, immediately after "611,", insert "613,".

On page 78, line 87, strike out "by adding at the end" and insert in lieu thereof "by striking out the item relating to section 613 and inserting in lieu".

On page 78, below line 22, immediately above the item relating to section 614, insert the following:

"613. Contributions by agents of foreign principals or drawn on foreign banks.".

Mr. GRIFFIN. Mr. President, at the outset, I want to say that I strongly support the amendment offered by the Senator from Texas (Mr. BENTSEN). It is almost identical to a portion of my amendment 1087, which I had submitted for printing. I checked with the Parliamentarian as to the best way to present my version, and he suggested that the best way would be in the form of a substitute.

The major portion of my amendment is identical in purpose to the amendment of the Senator from Texas in that it prohibits contributions to compaigns by foreigners and by aliens who have not been admitted for permanent residence in the United States.

I agree with him that, by and large, our political process should be in the hands of those who are citizens and have the right to vote. Actually, our amendment does not really close it up that much. It acknowledges and permits contributions by those who have been admitted for permanent residence. So even though they do not have the right to vote in that instance, they would have the right to make financial contributions.

But my amendment goes further. It also prohibits a contribution in the form of a check written on a foreign bank. The distinguished Senator from Texas, in his argument for his amendment, referred to foreign banks. I would agree with the concern that he expressed by that reference. However, the amendment as he has presented it does not touch the matter of foreign banks.

I realize that some persons will make the argument that it is going to be inconvenient, particularly for American citizens who live abroad, if they cannot write their checks on foreign banks. However, I think that it is also important to underscore the fact that obviously U.S. law does not reach and cannot control foreign banks. We cannot, by the court process of the United States, investigate a foreign bank. We cannot examine its accounts. We cannot have access to its checks.

Some of the stories of abuse that we have been exposed to have involved

Mexican banks and other foreign banks. They have involved unnumbered accounts in Swiss banks.

It seems to me that if we really want to do something about this problem, we should take this additional step and also provide that a foreign bank cannot be used as a means of funneling money into a campaign in the United States. I know that all Americans who live overseas do not have checking accounts in U.S. banks, but I assume that most of them do. If they do not, they might in some other way establish an account in a U.S. bank. I think the matter of being able to investigate, outweighs the disadvantages which would accrue.

That is the argument pure and simple. I think this would be an improvement of the amendment of the Senator from Texas. Perhaps he might want to accept it. If he does, and there is no opposition, we could then go to a vote on his amendment as amended.

Mr. BENTSEN. Mr. President, I yield 3 minutes to the distinguished Senator from Kentucky.

Mr. COOK. Mr. President, I would hope that the Senator from Texas will not [illegible]ee to take that language as an amend[illegible]nt to his amendment.

Last year I had occasion, while I was in Mexico—as a matter of fact, as a member of the Mexican-American Interparliamentary Meeting—to go to the University of Guadlajara, I spoke to a number of American students. I was amazed to learn that there is a retirement community of American citizens there. They have taken up residence there, having retired on social security. It has not been so long ago that all of us had occasion to view, on television, retirees in Spain and Ireland. Those people are living in those countries because it is cheaper to live there than in the United States. They do not have two checking accounts. They have bank accounts in the country in which they are now residing as American citizens. They do not have an account in the First National Bank of Dallas and also one in the Bank of Guadlajara. They cannot afford it. [illegible]y have one account.

[illegible]agree with the Senator from Michigan that we do have a problem with major contributions. We do have problems with substantial checks. I am quite sure we will not receive a great many contributions from Americans who live throughout the world by reason of the advantages of their retirement situations. But it would be a terrible crime to deny them the opportunity if, in fact, they want it. It would be a terrible situation for an individual who is retired.

The Guadlajara community is largely a military retirement facility. It would be a shame, for those individuals who send in checks of $5, $10, or $15 as contributions to the political process in their country to be told that they were illegal contributions; to be told that if they wanted to make that kind of small contribution, they would have to open an account in an American bank. Obviously, they would not do that.

There are one or two instances where there have been large contributions that have come from foreign banks that were accepted. But I say that the way to resolve this problem is to be totally and completely open so that we will not deprive thousands of Americans of the right to vote.

Mr. CANNON. Mr. President, I have just been advised that the State Department estimates, from its consuls and other officers abroad, that 1,750,000 U.S. citizens are living abroad, not including the military and not including tourists.

Mr. COOK. Mr. President, if we are up to well over 2 million, we cannot say that all of those 2 million are going to write a check for $25 or $50 on, say, a Mexican bank. They may write checks for $5, $10, or $50. But we are really denying the biggest percentage of them of that right, and we cannot resolve a bad situation as it now presents itself.

If we pass this bill—and I say this to the distinguished Senator from Michigan—we will know one thing. If such a check came from an individual, if the candidate accepted it, and the amount of the check was in excess of $1,000, then we would know that the candidate was subject to the penalties of the bill if he accepted it.

It seems to me we should not go totally and completely overboard and destroy the incentive of 2 million Americans who live abroad and want to contribute to the electoral process, Therefore, I strongly oppose the amendment of the distinguished Senator from Michigan.

I thank the Senator from Texas for yielding me this time.

The PRESIDING OFFICER. The Senator from Michigan has 5 minutes remaining.

Mr. GRIFFIN. Mr. President, I shall respond to the argument of the Senator from Kentucky in this way: I recognize that there could be inconvenience for some. I point out, however, that the military personnel who live abroad on U.S. bases would have U.S. banking facilities. Also, in most cases, embassy personnel and diplomatic personnel would have such economic facilities at their disposal.

I am convinced in my own mind that a great many of those persons who live abroad would have access to banks in the United States. I suggest that in any campaign that I know anything about, the percentage of contributions that would come in to a campaign from Americans living abroad, who could draw their checks only on foreign banks, would be small.

It is a question of balance in the situation, and I realize that reasonable men can differ. And if there has been enough evidence of abuse, enough concern aroused so far as the American people are concerned, I believe that it would be a healthy thing to do to make sure that all of the institutions which are handling and accounting for the money are subject to the laws and the jurisdiction of the United States, where the elections are held.

Mr. COOK. Mr. President, will the Senator from Texas yield me 30 seconds?

Mr. BENTSEN. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. BENTSEN. I must say that the Senator from Kentucky has been so persuasive I will yield him 3 additional minutes.

Mr. COOK. I thank the Senator; I will not use nearly all that time.

Mr. President, I have no idea, and I really do not think the Senator from Michigan has any idea, either, how many people in the northern rural areas of our border States between the United States and Canada may find that a Canadian community is much closer to their residence, their farm, or wherever they live along that border line, so that they may well do business with a Canadian bank. There may conceivably be some families up there who have never done business with an American bank, because of its location.

Let us take the plains areas of North Dakota, or the areas of northern Michigan, the Senator's State.

Mr. GRIFFIN. I was going to suggest taking Michigan.

Mr. COOK. I am wondering, really, how many people who live along the common border of the United States and Canada do business and have done business for years and years with Canadian institutions. What we are really saying by this bill is, "If you want to do it, drive the 40 miles to an American bank, open an account, write out your check for $10, and then close your account, because you are not going to deal with that place because of its inconvenience, and go back to your own bank that you are now doing business with."

Mr. GRIFFIN. Mr. President, if I may respond most respectfully to a Senator who comes from a State within the very center of the United States, responding as a Senator who does live in a State which borders all along the Canadian line, my amendment does not bother me one bit whatsoever insofar as that concern expressed by the Senator from Kentucky. I concede there might be a few contributions that would not come into the campaign as a result of what I am doing, but I really do not think the mischief or inconvenience is all that great. I do not think there is a lot to be gained in terms of building confidence in our election process and in other respects generally called reform, in taking the step which I have suggested.

Mr. BENTSEN. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. BENTSEN. I can understand the concern of the Senator from Michigan with trying to stop this laundering of accounts through foreign banks, but if you are just trying to do that, and you have someone who is trying to move a large sum of money through a foreign bank, they will be able, as I understand it, to take that to their bank, buy a money order on a U.S. bank, if they wanted to, or buy an American Express check, if they wanted to, and circumvent what the Senator is trying to do very easily.

I think what the Senator's amendment would really do is make it inconvenient for 2 million Americans living overseas who might not want to take the time and trouble to overcome its restrictions by going to a U.S. bank, by trying to prevent

some person from trying to resort to skullduggery, when, Mr. President, it would not prevent it, and I maintain that the Senator's amendment would not accomplish what he intends.

Mr. COOK. Mr. President, I think, on the basis of one or two episodes which have occurred, we are trying to decide whether we should interfere with the balance of all international transactions, and say that as a result, this transaction by an American citizen must have the added restriction that it must be through an American institution.

We are saying that American banks cannot have international relations in their banking departments, which obviously every major bank in the United States has, and they make daily transfers of deposits back and forth. Yet we are saying that this individual who wants to contribute to the American political process as an American citizen will have this added problem that he must face. I must say I real[illegible]ink it is an onerous one, and I agr[illegible]e that the amendment of the Senator from Michigan will be defeated.

Mr. GRIFFIN. Mr. President, is there time remaining?

The PRESIDING OFFICER. The Senator from Michigan has 2 minutes remaining. The Senator from Texas has 1 minute.

Mr. GRIFFIN. Mr. President, I wish to focus again on the major reason why this amendment should be accepted. That is that Mexican banks, Swiss banks with numbered accounts, and other foreign banks are not subject to the laws of the United States. It is not possible to investigate a campaign situation and require a foreign bank to reveal canceled checks or otherwise provide an accounting for what has happened in that bank. I think that the time has come when the American people expect Congress to provide for control by the laws of the United States over the facilities and institutions that are going to handle the funneling of campaign contributions. I hope the amendment will be agreed to.

Mr. BENTSEN. Mr. President, I would reluctantly oppose the substitute for my amendment proposed by the Senator from Michigan, despite the very noble objectives the Senator from Michigan has outlined. The Senator from Kentucky has convinced me that this would result in substantial inconvenience to a couple of million Americans living overseas, and yet would not accomplish the objective the Senator from Michigan is trying to accomplish in this regard. Therefore, I would urge the Senate to defeat the substitute amendment proposed by the Senator from Michigan.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan has 1 minute remaining.

Mr. GRIFFIN. I yield it back, Mr. President.

The PRESIDING OFFICER (Mr. McCLURE). All remaining time having been yielded back, the question is on agreeing to the substitute amendment of the Senator from Michigan. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Wyoming (Mr. McGEE), the Senator from Minnesota (Mr. MONDALE) and the Senator from Rhode Island (Mr. PASTORE) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Arizona (Mr. FANNIN) are necessarily absent.

I also announce that the Senator from Oregon (Mr. HATFIELD) is absent on official business.

I further announce that the Senator from Vermont (Mr. AIKEN) is absent due to illness in the family.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 23, nays 66, as follows:

[No. 95 Leg.]

YEAS—23

Allen	Dole	Mansfield
Bartlett	Dominick	Packwood
Bayh	Griffin	Pearson
Bellmon	Gurney	Taft
Bennett	Hansen	Thurmond
Brock	Helms	Weicker
Cotton	Hollings	Young
Curtis	Hruska	

NAYS—66

Abourezk	Hart	Muskie
Bentsen	Hartke	Nelson
Bible	Haskell	Nunn
Biden	Hathaway	Pell
Brooke	Huddleston	Percy
Buckley	Hughes	Proxmire
Burdick	Humphrey	Randolph
Byrd, Harry F., Jr.	Inouye	Ribicoff
Byrd, Robert C.	Jackson	Roth
Cannon	Javits	Scott, Hugh
Case	Johnston	Scott, William L.
Chiles	Kennedy	Sparkman
Church	Long	Stafford
Clark	Magnuson	Stennis
Cook	Mathias	Stevens
Cranston	McClellan	Stevenson
Domenici	McClure	Symington
Eagleton	McGovern	Talmadge
Eastland	McIntyre	Tower
Ervin	Metcalf	Tunney
Fong	Metzenbaum	Williams
Goldwater	Montoya	
	Moss	

NOT VOTING—11

Aiken	Fulbright	Mondale
Baker	Gravel	Pastore
Beall	Hatfield	Schweiker
Fannin	McGee	

So Mr. GRIFFIN'S amendment was rejected.

The PRESIDING OFFICER. The vote now occurs on the amendment of the Senator from Texas (Mr. BENTSEN). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Wyoming (Mr. McGEE), the Senator from Minnesota (Mr. MONDALE), and the Senator from Rhode Island (Mr. PASTORE) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from Arizona (Mr. FANNIN), and the Senator from Pennsylvania (Mr. SCHWEIKER) are necessarily absent.

I also announce that the Senator from Oregon (Mr. HATFIELD) is absent on official business.

I further announce that the Senator from Vermont (Mr. AIKEN) is absent due to illness in the family.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 89, nays 0, as follows:

[No. 96 Leg.]

YEAS—89

Abourezk	Fong	Moss
Allen	Goldwater	Muskie
Bartlett	Griffin	Nelson
Bayh	Gurney	Nunn
Bellmon	Hansen	Packwood
Bennett	Hart	Pearson
Bentsen	Hartke	Pell
Bible	Haskell	Percy
Biden	Hathaway	Proxmire
Brock	Helms	Randolph
Brooke	Hollings	Ribicoff
Buckley	Hruska	Roth
Burdick	Huddleston	Scott, Hugh
Byrd, Harry F., Jr.	Hughes	Scott, William L.
Byrd, Robert C.	Humphrey	Sparkman
Cannon	Inouye	Stafford
Case	Jackson	Stennis
Chiles	Javits	Stevens
Church	Johnston	Stevenson
Clark	Kennedy	Symington
Cook	Long	Taft
Cotton	Magnuson	Talmadge
Cranston	Mansfield	Thurmond
Curtis	Mathias	Tower
Dole	McClellan	Tunney
Domenici	McClure	Weicker
Dominick	McGovern	Williams
Eagleton	McIntyre	Young
Eastland	Metcalf	
Ervin	Metzenbaum	
	Montoya	

NAYS—0

NOT VOTING—11

Aiken	Fulbright	Mondale
Baker	Gravel	Pastore
Beall	Hatfield	Schweiker
Fannin	McGee	

So Mr. BENTSEN'S amendment agreed to.

LEAVE OF ABSENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that I may be excused from attendance on the Senate on Friday and Monday, to conduct hearing in Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 2747) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under that act, to expand the coverage of the act, and for other purposes.

The enrolled bill was subsequently signed by the Vice President.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

The Senate continued with the consideration of the bill (S. 3044) to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I yield 1 minute to the distinguished Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. CLARK. Mr. President, I ask unanimous consent that an amendment I am submitting to S. 3044 be considered as having met the requirements of rule XXII of the Standing Rules of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order the pending business is the amendment of the Senator from Alabama (Mr. ALLEN).

The amendment will be stated.

The legislative clerk read as follows:

On page 13, between lines 14 and 15, add a new subsection (d), as follows:

(d) No Member of the Ninety-third Congress or any committee of such Member shall be eligible to receive matching funds in connection with the candidacy of such Member for nomination for election to the office of President for the term beginning January 20, 1977.

Mr. ALLEN. Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I ask unanimous consent that I be given leave of absence for tomorrow, because of the fact that about a month ago I accepted two engagements to speak to Alabama audiences on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, the pending amendment is very short, but it is important.

Mr. COTTON. Mr. President, may we have order? We cannot hear the Senator. May we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLEN. Mr. President, the amendment is very short and to the point. It says:

No Member of the Ninety-third Congress or any committee of such Member shall be eligible to receive matching funds in connection with the candidacy of such Member for nomination for election to the office of President for the term beginning January 20, 1977—

Which would be the term starting after the 1976 election.

We already have, under the checkoff provision, adequate machinery, and there will be adequate funds, to finance the general election campaign of 1976.

Under the checkoff provision there would be accumulated in this fund by the 1976 Presidential elections more than $50 million, and it is provided that some $21 million shall be available to each of the major parties for the conduct of the Presidential election of 1976.

Of course, a minor hitch in the law is that, in order to get that money, the political party would have to certify that it would not accept funds from the private sector, and the members of that party might think they could not run a Presidential campaign on $21 million. So unless they have the law amended, it is possible they will not come under that provision in 1976.

But it is quite obvious where much of the drive for further Federal campaign financing, public Treasury financing, is coming from. It is quite obvious that it is coming from those here in the Congress who have an ambition to serve as President of the United States.

This amendment would preclude any Member of the 93d Congress from receiving funds, not to run for his present position—that has already been decided by the Senate—but would preclude him from obtaining a subsidy from the taxpayers to conduct a campaign for the Presidential nomination of either party.

We frequently hear it said, "Well, it is not the money that is involved; it is the principle." Well, if the candidates for the Presidency who are in the Congress really believe that, and they believe that campaign financing by the taxpayer is a good thing, that the principle is right, they ought not to have any objection to a provision that would preclude them from profiting in running for the Presidency to the tune of up to $7.5 million.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. WILLIAM L. SCOTT. I note a section of the Constitution that my distinguished colleague is quite familiar with, article I, section 6:

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time . . .

The Senator is speaking of principles. I wonder if there is not a correlation in principle between this section of the Constitution with regard to appointment to a civil office and creating a fund from which a campaign for the Presidency might be utilized. It seems to me there is a corollary between the two.

Mr. ALLEN. I thank the Senator for that suggestion. I doubt, however, if they would be analogous. That section of the Constitution applies to emoluments which would accrue to an individual as an office holder, whereas the present proposal provides for funds to help him get that office. I doubt if they would be analogous, but there occurs the principle of voting for a measure that would result in a person's receiving up to $7.5 million.

I am hopeful that the Senate and those who might possibly be beneficiaries of this provision will see fit to add this amendment to the bill, on the theory that the principle of public financing would still be there; but those who feel so strongly that this is a good principle, and if it is a principle that they are standing for, possibly would be willing to forego the receipt by them or their campaign committees of this subsidy of up to $7.5 million.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. MATHIAS. I understand the principles that underlie the amendment. I want to assure the Senator that, as far as I am concerned, I can approach this with a great deal of objectivity.

Mr. ALLEN. I am sorry to hear that, I will say to the Senator.

Mr. MATHIAS. But, on a more serious note, I wonder if in proposing this amendment the Senator has in mind that the President of the Senate is to be included as a Member of the 93d Congress.

Mr. ALLEN. If what?

Mr. MATHIAS. If the President of the Senate is to be included within the definition of Members of the 93d Congress.

Mr. ALLEN. Does the Senator think he would?

Mr. MATHIAS. Well, the distinguished Senator is the author of the amendment, and I was just probing for his intention.

Mr. ALLEN. No, I would not feel that he would be a Member of the 93d Congress. He presides over one branch of the 93d Congress, but he is not a Member of the Congress, quite obviously.

Mr. MATHIAS. I thank the Senator. I thought it was important to make that a matter of legislative history, to find out what was in the Senator's mind.

Mr. ALLEN. I do not know that that legislative history is necessary, because I doubt seriously if this amendment is going anywhere, I will say to the Senator.

Mr. MATHIAS. Well, I think it is useful. Of course, the President of the Senate is, for many administrative purposes, a Member of the Senate, and when he is called upon, under the provisions of the Constitution, to break a tie, he votes as a Senator votes. So I think if this amendment, or if the thought which underlies this amendment, should succeed either now or later, that would be an important point.

Mr. ALLEN. Is it the Senator's idea that the Vice President is a Member of the 93d Congress? I stated it was my idea it was not. What is the Senator's idea?

Mr. MATHIAS. Well, the Vice-Presidency, of course, has been defined in various ways in various periods of history, and sometimes most colorfully, by those who have occupied that lofty and elevated chair. I think we all remember the definition of the office that was given to it by Vice President John Nance Garner. But for some purposes the Vice President is a Member of the Senate. Let us suppose, just hypothetically, that the Senator's amendment would produce a tie and that the Vice President had to be called upon to break the tie.

Mr. ALLEN. He is not here.

Mr. MATHIAS. We are talking hypothetically. Suppose that.

Mr. ALLEN. I see.

Mr. MATHIAS. And then he voted. Certainly under those circumstances the principles of equity which the Senator has described as applying to everybody else would operate on the Vice-Presidency.

Mr. ALLEN. The chances are he would have a lot of company in that predicament, if he voted for the subsidy.

Mr. MATHIAS. I thank the Senator.

Mr. ALLEN. I thank the distinguished Senator.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. Mr. President, I am prepared to yield back my time and am prepared to vote, if the Senate so desires.

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. ALLEN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama (No. 1061). All time having been yielded back, and the yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) and the Senator from Wyoming (Mr. MCGEE) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from Arizona (Mr. FANNIN), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

I also announce that the Senator from Oregon (Mr. HATFIELD) is absent on official business.

I further announce that the Senator from Vermont (Mr. AIKEN) is absent due to illness in the family.

I further announce that, if present and voting the Senator from Oregon (Mr. HATFIELD), and the Senator from Pennsylvania (Mr. HUGH SCOTT) would each vote "nay."

The result was announced—yeas 36, nays 51, as follows:

[No. 97 Leg.]

YEAS—36

Allen	Curtis	McClellan
Bartlett	Dole	McClure
Bayh	Dominick	Nunn
Bellmon	Eastland	Pearson
Bennett	Ervin	Scott, William L.
Brock	Fong	Sparkman
Buckley	Goldwater	Stennis
Byrd, Harry F., Jr.	Griffin	Talmadge
Byrd, Robert C.	Gurney	Thurmond
Chiles	Hansen	Tower
Cook	Helms	Weicker
Cotton	Hollings	
	Hruska	

NAYS—51

Abourezk	Huddleston	Muskie
Bentsen	Hughes	Nelson
Bible	Humphrey	Packwood
Biden	Inouye	Pell
Brooke	Jackson	Percy
Burdick	Javits	Proxmire
Cannon	Johnston	Randolph
Case	Kennedy	Ribicoff
Church	Magnuson	Roth
Clark	Mansfield	Stafford
Cranston	Mathias	Stevens
Domenici	McGovern	Stevenson
Eagleton	McIntyre	Symington
Hart	Metcalf	Taft
Hartke	Metzenbaum	Tunney
Haskell	Montoya	Williams
Hathaway	Moss	Young

NOT VOTING—13

Aiken	Gravel	Pastore
Baker	Hatfield	Schweiker
Beall	Long	Scott, Hugh
Fannin	McGee	
Fulbright	Mondale	

So Mr. ALLEN's amendment (No. 1061) was rejected.

AMENDMENT NO. 1099

Mr. BROCK. Mr. President, I call up my amendment No. 1099.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BROCK's amendment is as follows:

On page 48, line 19, strike out "and 617" and insert in lieu thereof "617, and 618".

On page 49, line 17, strike out "and 617" and insert in lieu thereof "617, and 618."

On page 49, line 23, strike out "or 617" and insert in lieu thereof "617, and 618".

On page 78, line 16, strike the closing quotation marks and the second period.

On page 78, between lines 16 and 17, insert the following:

"§ 618. Voting fraud

"(a) No person shall—

"(1) cast, or attempt to cast, a ballot in the name of another person,

"(2) cast, or attempt to cast, a ballot if he is not qualified to vote,

"(3) forge or alter a ballot,

"(4) miscount votes,

"(5) tamper with a voting machine, or

"(6) commit any act (or fail to do anything required of him by law),

with the intent of causing an inaccurate count of lawfully cast votes in any election.

"(b) A violation of the provisions of subsection (a) is punishable by a fine of not to exceed $100,000, imprisonment for not more than ten years, or both.".

On page 78, line 19, strike out "and 617" and insert in lieu thereof "617, and 618".

On page 78, after line 22, in the item relating to section 617, strike out the closing quotation marks and the second period.

On page 78, after line 22, below the item relating to section 617, insert the following:

"618. Voting fraud.".

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BROCK. I yield.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 30 minutes on the pending amendment, to be equally divided between the sponsor of the amendment, the distinguished Senator from Tennessee (Mr. BROCK), and the manager of the bill, the distinguished Senator from Nevada (Mr. CANNON).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROCK. I yield to the Senator from Texas.

Mr. TOWER. Mr. President, I ask unanimous consent that during the consideration of S. 3044, a member of my staff, Mr. Gary Lieber, be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROCK. Mr. President, I ask unanimous consent that during the further debate on this legislation, a member of my staff, Mr. Jim George, be permitted access to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BROCK. Mr. President, this amendment attempts to deal with one notable inadequacy in the proposed legislation which relates specifically to the largest single area of campaign abuse, in my opinion, and that is voting fraud. There can be no greater violation of the civil rights of an individual than to have his ballot stolen by any device. My amendment would attempt to deal with just that particular problem. It says:

No person shall—

(1) cast, or attempt to cast, a ballot in name of another person,

(2) cast, or attempt to cast, a ballot if he is not qualified to vote,

(3) forge or alter a ballot,

(4) miscount votes,

(5) tamper with a voting machine, or

(6) commit any act (or fail to do anything required of him by law),

with the intent of causing an inaccurate count of lawfully cast votes in any election.

Mr. President, I very much believe that this Congress must pass major and comprehensive campaign reform legislation. But I cannot believe that it is in the interests of the Congress, the elective process, or the American people to deal only with the financial problems of politics. It seems to me that something very essential is at stake in this particular debate, and that is assurance to the people of this country that their ballots will be cast and counted as they are cast. If we are to restore any faith in the elective process, that has to be a fundamental purpose of the bill.

I do not understand why there simply are not Federal laws in this area today. If there is a civil right in this country, it is the right to vote, for the future of ourselves and for our children. To the best of my knowledge, about the only access or the only recourse we have in the instance of ballot abuse would be to say that that would violate our civil rights, although that is probably the most difficult charge in the world to prove. But it is important that we spell out what we mean by vote fraud and what penalty should be established for that vote fraud. It is important, in view of the recent political scandal, that we not forget the tradition of fraud and abuse in this country, which is still ongoing in too many places, in too many communities, and in too many counties.

Each Senator will speak for his own State, of course, and I can speak only

for my own and say that Tennessee has made remarkable progress in reducing ballot abuse. But we are not perfect yet, and I am not sure that anyone else is either. It is important that people wherever they may live in this country should have the assurance that we intend to protect this most essential of their rights.

I cannot believe that we can pass comprehensive campaign reform legislation without dealing with this most fundamental reform as it relates to the ballot and the right to vote and the right to have that vote counted.

Mr. President, I reserve the remainder of my time.

Mr. GOLDWATER. Mr. President, will the Senator from Tennessee yield for a question?

Mr. BROCK. I yield.

Mr. GOLDWATER. Does the Senator have any idea in how many States the process he outlined is now illegal?

Mr. BROCK. I would say to the Senator that probably, generally speaking, virtually all of them are. The problem, it seems to me, is more with the inadequate ability to deal with the problem. The States' law are either not adequately enforced or else they are poorly drawn so as to be unenforceable. Much of the time the State laws are enforced by the very people who are engaging in the abuse. This is the problem I am trying to deal with.

Mr. GOLDWATER. The Senator would make it a Federal crime for those who participate in the activities that he has outlined and illustrated today and that would apply to the Presidency, to the Senate, and to the House?

Mr. BROCK. That is correct.

Mr. GOLDWATER. Has the Senator suggested any penalty?

Mr. BROCK. Yes, I have a sizable penalty which would go, in the case of extreme abuse, to a $100,000 fine and 10 years in jail. We must have a severe penalty.

Mr. GOLDWATER. Would the Senator's amendment—this sounds funny, but it has happened in my city—would the Senator's amendment cover the use of names in graveyards?

Mr. BROCK. Absolutely.

Mr. GOLDWATER. I thank the Senator. I think his amendment is worthwhile and I shall support it.

Mr. TOWER. Mr. President, will the Senator from Tennessee yield for a question?

Mr. BROCK. I yield.

Mr. TOWER. If I understood the Senator correctly, one of the reasons he is offering this is that although virtually all the States have laws that define such abuses as crimes, the fact is that very often the beneficiaries of the rigged election are those responsible for administering the election laws of the State and, therefore, they are rarely ever brought to justice and justice is often not done.

Mr. BROCK. That is correct. There seems to be no recourse in some instances today and no protection against this kind of abuse. We have seen it on too many occasions, in elections that were stolen, where the enormity of the fraud actually changed the course of the election and the people who then were elected were in the postition to enforce or not to enforce the statute.

Mr. TOWER. Is it not true, in the instance of election fraud, in elections involving people running for Federal office, that almost inevitably those that have been brought to justice under any existing laws have been brought to justice under the aegis of a Federal investigation or a Federal prosecution rather than by the State?

Mr. BROCK. That is correct, to the best of my knowledge.

Mr. COOK. Mr. President, will the gentleman from Tennessee yield?

Mr. BROCK. I yield.

Mr. COOK. May I suggest to the Senator from Tennessee, relative to his response to the Senator from Arizona a few moments ago, that there is one thing in here that gives me a problem. I wish he would consider, although the title says "Intended to be proposed by Mr. BROCK * * *"—it goes on to say "* * * and general election campaigns for Federal elective office * * *" I would say to the Senator from Tennessee that in the body of his amendment as such, it shall be a part of the bill, but it does not say "for Federal elections." I am wondering, because at least in my State we do have off-year elections, where we have elections for members of the State legislature, the State senate, and for the governorship, I am concerned as to the overall constitutionality of this amendment, unless he would consider, on line 4, page 2, where it reads:

"(a) No person shall * * *"—

Then add, in elections held for the purpose of Federal officials such as the Senate, Congress, the President, and the Vice President.

I am wondering whether I could convince the Senator from Tennessee that that language should be in there, so that we do not have the problem of interfering with State election laws in those years when elections are held on a statewide basis and when no Federal elections are up.

Mr. BROCK. Of course that language should be in there. The Senator is absolutely right. I appreciate his suggestion. If I may, Mr. President, I ask unanimous consent to modify my amendment on page 2, line 4, to add after the word "shall" the words: "in a Federal election."

The PRESIDING OFFICER (Mr. HELMS). Will the Senator please send his proposed modification to the desk.

Mr. BROCK. If that language will suit the Senator from Kentucky.

The PRESIDING OFFICER. Is there objection to the modification of the amendment of the Senator from Tennessee?

Without objection, the modification is so made.

Mr. COOK. Mr. President, I thank the Senator from Tennessee. I must say that that resolves the problem. Without that language in there, we were risking getting into a rather serious question in regard to State constitutionality and also with regard to the Constitution of the United States, by the way.

Mr. BROCK. I appreciate the Senator's diligence. I have no intention of interfering with any State process. We have a real responsibility to maintain the sanctity of the ballot box in Federal elections.

Mr. TOWER. Mr. President, do I correctly understand that the effect of the Senator's modification will be to narrow the effect of the proposed amendment to elections for Federal offices only?

Mr. BROCK. That is correct.

Mr. TOWER. It would not apply to any State, county, or local election then?

Mr. BROCK. That is right. That was the amendment's intention. The Senator has pointed it out correctly. We were not specific enough.

Mr. COOK. If I may enlarge on that a little, under the Constitution of the United States, we do not have the right to prescribe the rules and regulations for the conduct of State and local elections.

Mr. TOWER. That is correct. As an old States' Righter, I would concur with that.

Mr. BROCK. Mr. President, I reserve the remainder of my time.

Mr. COOK. Mr. President, does the Senator from Tennessee have any objection if he might withdraw the call for the yeas and nays and just have a voice vote?

Mr. BROCK. I would be delighted to withdraw the call for the yeas and nays.

Mr. President, I ask unanimous consent to withdraw the yeas and anys on my amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The yeas and nays are vacated.

Mr. BROCK. Mr. President, I yield back the reminder of my time.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has been yielded back.

The question is on agreeing to amendment No. 1099, as modified, of the Senator from Tennessee (Mr. BROCK).

The amendment, as modified, was agreed to.

AMENDMENT NO. 1104

Mr. BROCK. Mr. President, I now call up my amendment No. 1104 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

ILLEGAL CONTRIBUTIONS AND UNEXPENDED FUNDS

SEC. 317. (a) Any contribution received by a candidate or political committee in connection with any election for Federal office in excess of the contribution limitations established by this Act shall be forfeited to the United States Treasury.

(b) Any political committee having unexpended funds in excess of the amount necessary to pay its campaign expenditures within thirty days after a general election shall deposit those funds in the United States Treasury or transfer them to a national committee.

Mr. BROCK. Mr. President, this amendment attempts to deal again with what I view as perhaps the inadvertent absence of existing law, dealing with leftover funds after a campaign. It may

be there are those who disagree, but it seems to me this bill is not putting sufficient emphasis on the political parties. I would like very much to see a provision made for any leftover funds after a campaign, where there is not sufficient challenge to use all the money raised. I would like to see that money either revert to the Federal Treasury, if that is the wish of the candidate, or revert to his national party.

It seems to me that would be a measure to strengthen the role of the parties and something we need to be concerned with in the process of this bill.

It does one other thing, and I should point it out, that is to say, that any contribution received in excess of the ceiling shall be automatically rebated to the Treasury because then, in effect, it is an illegal contribution. There is no provision in the existing language to deal with that particular situation. I would suggest that illegal or excess contributions of the statute limits should obviously be directed to the Federal Treasury.

I would hope that this amendment might receive the same warm support my previous one did.

Mr. President, I reserve the remainder of my time.

Mr. CLARK. Mr. President, will the Senator from Tennessee yield for a question?

Mr. BROCK. I yield.

Mr. CLARK. If a candidate chooses not to use Federal money and he collects a certain amount of private money, and he has a hundred dollars left over after a campaign or $100,000 left over, all the money he raised personally would go back to the Federal treasury?

Mr. BROCK. Or to his national party. It would be at his option.

Mr. CLARK. So it would not just be the Federal money that was expended, but all the private money he raised that is left over as well.

Mr. BROCK, That is right. I raised the issue because we have had problems in the past. I think it would be in the interest of Members of the House and the Senate to have this safeguard, to afford them a justification for dealing logically with this excess fund.

Mr. COOK. Mr. President, will the Senator yield?

Mr. BROCK. I yield.

Mr. COOK. I am a little concerned about the language on page 2. Obviously, if we have Federal financing of elections and he has held Federal funds, those must go back to the Treasury. There is no question about that.

Mr. BROCK. That is right.

Mr. COOK. But under the Senator's amendment, I am not sure that is what it says. I read from page 2 of the Senator's amendment:

. . . shall deposit those funds in the United States Treasury or transfer them to a national committee.

What bothers me is that we cannot leave the assumption that funds that have been allocated under a Federal program to subsidize elections could be subject in any way to a choice of whether they would go back to the Treasury or to a national committee.

I am not really prepared to give any substitute language, although it does bother me because I think the Senator has an either/or with unexpended funds regardless of the source. That does bother me. I believe the chairman of the committee wants to raise that point, also.

Mr. HUDDLESTON. Mr. President, will the Senator yield for a question?

Mr. BROCK. I yield.

Mr. HUDDLESTON. I have never been in a situation in which I have had to deal with a surplus of funds.

Mr. BROCK. Neither have I.

Mr. HUDDLESTON. I wonder whether it would not be well to have another option, whereby the candidate might be able to return, on a pro rata basis, his excess funds to those who had contributed, if such an arrangement were spelled out in his solicitation of the funds.

Mr. BROCK. Personally, I would like to see that. The problem is more mechanical than in principle. I think it is almost impossible to divide on a pro rata basis $500 among 10,000 people who contributed. I had 10,000 contributors in my campaign in 1970, and it was a matter of great pride to me that we were able to establish that broad a base.

In all honesty, I do not know how we could locate those people and return the 3 or 4 cents that some of them would get as a pro rata share, and that is why I did not include it in the amendment.

The Senator from Kentucky has raised a valid point. In light of that, I think it might be the better part of wisdom if I withdrew the amendment and consider that as a possible alternative.

Until I can rewrite it, Mr. President, I will withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

ANTIHIJACKING ACT OF 1974

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 39.

The PRESIDING OFFICER (Mr. HELMS) laid before the Senate the amendments of the House of Representatives to the bill (S. 39) to amend the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy, and for other purposes, which were to strike out all after the enacting clause and insert:

TITLE I—ANTIHIJACKING ACT OF 1974

SEC. 101. This title may be cited as the "Antihijacking Act of 1974".

SEC. 102. Section 101(32) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(32)), relating to the definition of the term "special aircraft jurisdiction of the United States", is amended to read as follows:

"(32) The term 'special aircraft jurisdiction of the United States' includes—

"(a) civil aircraft of the United States;

"(b) aircraft of the national defense forces of the United States;

"(c) any other aircraft within the United States;

"(d) any other aircraft outside the United States—

"(i) that has its next scheduled destination or last point of departure in the United States, if that aircraft next actually lands in the United States; or

"(ii) having 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, committed aboard, if that aircraft lands in the United States with the alleged offender still aboard; and

"(e) other aircraft leased without crew to a lessee who has his principal place of business in the United States, or if none, who has his permanent residence in the United States;

while that aircraft is in flight, which is from the moment when all external doors are closed following embarkation until the moment when one such door is opened for disembarkation or in the case of a forced landing, until the competent authorities take over the responsibility for the aircraft and for the persons and property aboard.".

SEC. 103. (a) Paragraph (2) of subsection (i) of section 902 of such Act (49 U.S.C. 1472), relating to the definition of the term "aircraft piracy", is amended by striking out "threat of force or violence and" inserting in lieu thereof "threat of force or violence, or by any other form of intimidation, and".

(b) Section 902 of such Act is further amended by redesignating subsections (n) and (o) as subsections (o) and (p), respectively, and by inserting immediately after subsection (m) the following new subsection:

"AIRCRAFT PIRACY OUTSIDE SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES

"(n)(1) Whoever abroad an aircraft in flight outside the special aircraft jurisdiction of the United States commits 'an offense', as defined in the Convention for the Suppresion of Unlawful Seizure of Aircraft, and is afterward found in the United States shall be punished—

"(A) by imprisonment for not less than twenty years; or

"(B) if the death of another person results from the commission or attempted commission of the offense, by death or by imprisonment for life.

"(2) A person commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft when, while aboard an aircraft in flight, he—

"(A) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act; or

"(B) is an accomplice of a person who performs or attempts to perform any such act.

"(3) This subsection shall only be applicable if the place of takeoff or the place of actual landing of the aircraft on board which the offense, as defined in paragraph (2) of this subsection, is committed is situated outside the territory of the State of registration of that aircraft.

"(4) For purposes of this subsection an aircraft is considered to be in flight from the moment when all the external doors are closed following embarkation until the moment when one such door is opened for disembarkation, or in the case of a forced landing, until the competent authorities take over responsibility for the aircraft and for the persons and property aboard.".

(c) Subsection (o) of such section 902, as so redesignated by subsection (b) of this section, is amended by striking out "subsections (i) through (m)" and inserting in lieu thereof "subsections (i) through (n)".

SEC. 104. (a) Section 902(i)(1) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(i)(1)) is amended to read as follows:

"(1) Whoever commits or attempts to commit aircraft piracy, as herein defined, shall be punished—

"(A) by imprisonment for not less than twenty years; or

"(B) if the death of another person results from the commission or attempted commission of the offense, by death or by imprisonment for life.".

(b) Section 902(i) of such Act is further

amended by adding at the end thereof the following new paragraph:

"(3) An attempt to commit aircraft piracy shall be within the special aircraft jurisdiction of the United States even though the aircraft is not in flight at the time of such attempt if the aircraft would have been within the special aircraft jurisdiction of the United States had the offense of aircraft piracy been completed.".

SEC. 105. Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. 1473), relating to venue and prosecution of offenses, is amended by adding at the end thereof the following new subsection:

"PROCEDURE IN RESPECT OF PENALTY FOR AIRCRAFT PIRACY

"(c)(1) A person shall be subjected to the penalty of death for any offense prohibited by section 902(i) or 902(n) of this Act only if a hearing is held in accordance with this subsection.

"(2) When a defendant is found guilty of or pleads guilty to an offense under section 902(i) or 902(n) of this Act for which one of the sentences provided is death, the judge who presided at the trial or before whom the guilty plea was entered shall conduct a separate sentencing hearing to determine the existence or nonexistence of the factors set forth in paragraphs (6) and (7), for the purpose of determining the sentence to be imposed. The hearing shall not be held if the Government stipulates that none of the aggravating factors set forth in paragraph (7) exists or that one or more of the mitigating factors set forth in paragraph (6) exists. The hearings shall be conducted—

"(A) before the jury which determined the defendant's guilt;

"(B) before a jury impaneled for the purpose of the hearing if—

"(i) the defendant was convicted upon a plea of guilty;

"(ii) the defendant was convicted after a trial before the court sitting without a jury; or

"(iii) the jury which determined the defendant's guilt has been discharged by the court for good cause; or

"(C) before the court alone, upon the motion of the defendant and with the approval of the court and of the Government.

"(3) In the sentencing hearing the court shall disclose to the defendant or his counsel all material contained in any presentence report, if one has been prepared, except such material as the court determines is required to be withheld for the protection of human life or for the protection of the national security. Any presentence information withheld from the defendant shall not be considered in determining the existence or the nonexistence of the factors set forth in paragraph (6) or (7). Any information relevant to any of the mitigating factors set forth in paragraph (6) may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials; but the admissibility of information relevant to any of the aggravating factors set forth in paragraph (7) shall be governed by the rules governing the admission of evidence at criminal trials. The Government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to establish the existence of any of the factors set forth in paragraph (6) or (7). The burden of establishing the existence of any of the factors set forth in paragraph (7) is on the Government. The burden of establishing the existence of any of the factors set forth in paragraph (6) is on the defendant.

"(4) The jury, if there is no jury, the court shall return a special verdict setting forth its findings as to the existence or nonexistence of each of the factors set forth in paragraph (6) and as to the existence or nonexistence of each of the factors set forth in paragraph (7).

"(5) If the jury or, if there is no jury, the court finds by a preponderance of the information that one or more of the factors set forth in paragraph (7) exists and that none of the factors set forth in paragraph (6) exists, the court shall sentence the defendant to death. If the jury or, if there is no jury, the court finds that none of the aggravating factors set forth in paragraph (7) exists, or finds that one or more of the mitigating factors set forth in paragraph (6) exists, the court shall not sentence the defendant to death but shall impose any other sentence provided for the offense for which the defendant was convicted.

"(6) The court shall not impose the sentence of death on the defendant if the jury or, if there is no jury, the court finds by a special verdict as provided in paragraph (4) that at the time of the offense—

"(A) he was under the age of eighteen;

"(B) his capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to prosecution;

"(C) he was under unusual and substantial duress, although not such duress as to constitute a defense to prosecution;

"(D) he was a principal (as defined in section 2(a) of title 18 of the United States Code) in the offense, which was committed by another, but his participation was relatively minor, although not so minor as to constitute a defense to prosecution; or

"(E) he could not reasonably have foreseen that his conduct in the course of the commission of the offense for which he was convicted would cause, or would create a grave risk of causing death to another person.

"(7) If no factor set forth in paragraph (6) is present, the court shall impose the sentence of death on the defendant if the jury or, if there is no jury, the court finds by a special verdict as provided in paragraph (4) that—

"(A) the death of another person resulted from the commission of the offense but after the defendant had seized or exercised control of the aircraft; or

"(B) the death of another person resulted from the commission or attempted commission of the offense, and—

"(i) the defendant has been convicted of another Federal or State offense (committed either before or at the time of the commission or attempted commission of the offense) for which a sentence of life imprisonment or death was imposable;

"(ii) the defendant has previously been convicted of two or more State or Federal offenses with a penalty of more than one year imprisonment (committed on different occasions before the time of the commission or attempted commission of the offense), involving the infliction of serious bodily injury upon another person;

"(iii) in the commission or attempted commission of the offense, the defendant knowingly created a grave risk of death to another person in addition to the victim of the offense or attempted offense; or

"(iv) the defendant committed or attempted to commit the offense in an especially heinous, cruel, or depraved manner.".

SEC. 106. Title XI of such Act (49 U.S.C. 1501–1513) is amended by adding at the end thereof the following new sections:

"SUSPENSION OF AIR SERVICES

"SEC. 1114. (a) Whenever the President determines that a foreign nation is acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft, or if he determines that a foreign nation permits the use of territory under its jurisdiction as a base of operations or training or as a sanctuary for, or in any way arms, aids, or abets, any terrorist organization which knowingly uses the illegal seizure of aircraft or the threat thereof as an instrument of policy, he may, without notice or hearing and for as long as he determines necessary to assure the security of aircraft against unlawful seizure, suspend (1) the right of any air carrier or foreign air carrier to engage in the foreign air transportation, and the right of any person to operate aircraft in foreign air commerce, to and from that foreign nation, and (2) the right of any foreign air carrier to engage in foreign air transportation, and the right of any foreign person to operate aircraft in foreign air commerce, between the United States and any foreign nation which maintains air service between itself and that foreign nation. Notwithstanding section 1102 of this Act, the President's authority to suspend rights under this section shall be deemed to be a condition to any certificate of public convenience and necessity or foreign air carrier or foreign aircraft permit issued by the Civil Aeronautics Board and any air carrier operating certificate or foreign air carrier operating specification issued by the Secretary of Transportation.

"(b) It shall be unlawful for any air carrier or foreign air carrier to engage in foreign air transportation, or for any person to operate aircraft in foreign air commerce, in violation of the suspension of rights by the President under this section.

"SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

"SEC. 1115 (a) Not later than 30 days after the date of enactment of this section, the Secretary of State shall notify each nation with which the United States has a bilateral air transport agreement or, in the absence of such agreement, each nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to section 402 of this Act, of the provisions of subsection (b) of this section.

"(b) In any case where the Secretary of Transportation, after consultation with the competent aeronautical authorities of a foreign nation with which the United States has a bilateral air transport agreement and in accordance with the provisions of that agreement or, in the absence of such agreement, of a nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to section 402 of this Act, finds that such nation does not effectively maintain and administer security measures relating to transportation of persons or property or mail in foreign air transportation that are equal to or above the minimum standards which are established pursuant to the Convention on International Civil Aviation, he shall notify that nation of such finding and the steps considered necessary to bring the security measures of that nation to standards at least equal to the minimum standards of such convention. In the event of failure of that nation to take such steps, the Secretary of Transportation, with the approval of the Secretary of State, may withhold, revoke, or impose conditions on the operating authority of the airline or airlines of that nation.".

SEC. 107. The first sentence of section 901 (a)(1) of such Act (49 U.S.C. 1471(a)(1)), relating to civil penalties, is amended by inserting ", or of section 1114," immediately before "of this Act".

SEC. 108. Subsection (a) of section 1007 of such Act (49 U.S.C. 1487), relating to judicial enforcement, is amended by inserting "or, in the case of a violation of section 1114 of this Act, the Attorney General," immediately after "duly authorized agents,".

SEC. 109. (a) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 902. Criminal penalties."

is amended by striking out—

"(n) Investigations by Federal Bureau of Investigation.

"(o) Interference with aircraft accident investigations."

and inserting in lieu thereof—

"(n) Aircraft piracy outside special aircraft jurisdiction of the United States.

"(o) Investigations by Federal Bureau of Investigation.

"(p) Interference with aircraft accident investigation.".

(b) That portion of such table of contents which appears under the side heading

"Sec. 903. Venue and prosecution of offenses."

is amended by adding at the end thereof the following new item:

"(c) Procedure in respect of penalty for aircraft piracy.".

(c) That portion of such table of contents which appears under the center heading "TITLE XI—MISCELLANEOUS" is amended by adding at the end thereof the following new items:

"Sec. 1114. Suspension of air services.
"Sec. 1115. Security standards in foreign air transportation.".

TITLE II—AIR TRANSPORTATION SECURITY ACT OF 1974

SEC. 201. This title may be cited as the "Air Transportation Security Act of 1974".

SEC. 202. Title III of the Federal Aviation Act of 1958 (49 U.S.C. 1341–1355), relating to organization of the Federal Aviation Administration and the powers and duties of the Administrator, is amended by adding at the end thereof the following new sections:

"SCREENING OF PASSENGERS

"PROCEDURES AND FACILITIES

"SEC. 315. (a) The Administrator shall prescribe or continue in effect reasonable regulations requiring that all passengers and all property intended to be carried in the aircraft cabin in air transportation or intrastate air transportation be screened by weapon-detecting procedures or facilities employed or operated by employees of the air carrier, intrastate air carriers, or foreign air carrier prior to boarding the aircraft for such transportation. Such regulations shall include such provisions as the Administrator may deem necessary to assure that persons traveling in air transportation or intrastate air transportation will receive courteous and efficient treatment in connection with the administration of any provision of this Act involving the screening of persons and property to assure safety in air transportation or intrastate air transportation. One year after the date of enactment of this section or after the effective date of such regulations, whichever is later, the Administrator may alter or amend such regulations, requiring a continuation of such screening only to the extent deemed necessary to assure security against acts of criminal violence and aircraft piracy in air transportation and intrastate air transportation. The Administrator shall submit semiannual reports to the Congress concerning the effectiveness of screening procedures under this subsection and shall advise the Congress of any regulations or amendments thereto to be prescribed pursuant to this subsection at least thirty days in advance of their effective date, unless he determines that an emergency exists which requires that such regulations or amendments take effect in less than thirty days and notifies the Congress of his determination. Notwithstanding any other provision of law, the memorandum of the Federal Aviation Administrator, dated March 29, 1973, regarding the use of X-ray systems in airport terminal areas, shall remain in full force and effect until modified, terminated, superseded, set aside, or repealed after the date of enactment of this section by the Administrator.

"EXEMPTION AUTHORITY

"(b) The Administrator may exempt, in whole or in part, air transportation operations, other than those scheduled passenger operations performed by air carriers engaging in interstate, overseas, or foreign air transportation under a certificate of public convenience and necessity issued by the Civil Aeronautics Board under section 401 of this Act, from the provisions of this section.

"AIR TRANSPORTATION SECURITY

"RULES AND REGULATIONS

"SEC. 316. (a) (1) The Administrator of the Federal Aviation Administration shall prescribe such reasonable rules and regulations requiring such practices, methods, and procedures, or governing the design, materials, and construction of aircraft, as he may deem necessary to protect persons and property aboard aircraft operating in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy.

"(2) In prescribing and amending rules and regulations under paragraph (1) of this subsection, the Administrator shall—

"(A) consult with the Secretary of Transportation, the Attorney General, and such other Federal, State, and local agencies as he may deem appropriate;

"(B) consider whether any proposed rule or regulation is consistent with protection of passengers in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy and the public interest in the promotion of air transportation and intrastate air transportation;

"(C) to the maximum extent practicable, require uniform procedures for the inspection, detention, and search of persons and property in air transportation and intrastate air transportation to assure their safety and to assure that they will receive courteous and efficient treatment, by air carriers, their agents and employees, and by Federal, State, and local law-enforcement personnel engaged in carrying out any air transportation security program established under this section; and

"(D) consider the extent to which any proposed rule or regulation will contribute to carrying out the purposes of this section.

"PERSONNEL

"(b) Regulations prescribed under subsection (a) of this section shall require operators of airports regularly serving air carriers certificated by the Civil Aeronautics Board to establish air transportation security programs providing a law enforcement presence and capability at such airports adequate to insure the safety of persons traveling in air transportation or intrastate air transportation from acts of criminal violence and aircraft piracy. Such regulations shall authorize such airport operators to utilize the services of qualified State, local, and private law-enforcement personnel whose services are made available by their employers on a cost reimbursable basis. In any case in which the Administrator determines, after receipt of notification from an airport operator in such form as the Administrator may prescribe, that qualified State, local, and private law-enforcement personnel are not available in sufficient numbers to carry out the provisions of subsection (a) of this section, the Administrator may, by order, authorize such airport operator to utilize, on a reimbursable basis, the services of—

"(1) personnel employed by any other Federal department or agency, with the consent of the head of such department or agency; and

"(2) personnel employed directly by the Administrator;

at the airport concerned in such numbers and for such period of time as the Administrator may deem necessary to supplement such State, local, and private law-enforcement personnel. In making the determinations referred to in the preceding sentence the Administrator shall take into consideration—

"(A) the number of passengers enplaned at such airport;

"(B) the extent of anticipated risk of criminal violence and aircraft piracy at such airport or to the air carrier aircraft operations at such airport; and

"(C) the availability at such airport of qualified State or local law enforcement personnel.

"TRAINING

"(c) The Administrator shall provide training for personnel employed by him to carry out any air transportation security program established under this section and for other personnel, including State, local, and private law enforcement personnel, whose services may be utilized in carrying out any such air transportation security program. The Administrator shall prescribe uniform standards with respect to training required to be provided personnel whose services are untilized to enforce any such air transportation security program, including State, local, and private law enforcement personnel, and uniform standards with respect to minimum qualifications for personnel eligible to receive such training.

"RESEARCH AND DEVELOPMENT; CONFIDENTIAL INFORMATION

"(d) (1) The Administrator shall conduct such research (including behavioral research) and development as he may deem appropriate to develop, modify, test, and evaluate systems, procedures, facilities, and devices to protect persons and property aboard aircraft in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy. Contracts may be entered into under this subsection without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) or any other provision of law requiring advertising, and without regard to section 3643 of the Revised Statutes of the United States (31 U.S.C. 529), relating to advances of public money.

"(2) Notwithstanding section 552 of title 5, United States Code, relating to freedom of information, the Administrator shall prescribe such regulations as he may deem necessary to prohibit disclosure of any information obtained or developed in the conduct of research and development activities under this subsection if, in the opinion of the Administrator, the disclosure of such information—

"(A) would constitute an unwarranted invasion of personal privacy (including, but not limited to, information contained in personnel, medical, or similar file);

"(B) would reveal trade secrets or privileged or confidential commercial or financial information obtained from any person; or

"(C) would be detrimental to the safety of persons traveling in air transportation.

Nothing in this subsection shall be construed to authorize the withholding of information from the duly authorized committees of the Congress.

"OVERALL FEDERAL RESPONSIBILITY

"(e) (1) Except as otherwise specifically provided by law, no power, function, or duty of the Administrator of the Federal Aviation Administration under this section shall be assigned or transferred to any other Federal department or agency.

"(2) Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration shall have exclusive responsibility for the direction of any law enforcement activity affecting the safety of persons aboard aircraft involved in the commission of an offense under section 901(i) or 902(n) of this Act. Other Federal departments and agencies shall, upon request by the Administrator, provide such assistance as may be necessary to carry out the purposes of this paragraph.

"DEFINITION

"(f) For the purposes of this section, the term 'law enforcement personnel' means individuals—

"(1) authorized to carry and use firearms,

"(2) vested with such police power of arrest as the Administrator deems necessary to carry out this section, and

"(3) identifiable by appropriate indicia of authority.".

SEC. 203. Section 1111 of the Federal Aviation Act of 1958 (49 U.S.C. 1511), relating to authority to refuse transportation, is amended to read as follows:

"AUTHORITY TO REFUSE TRANSPORTATION

"SEC. 1111. (a) The Administrator shall, by regulation, require any air carrier, intrastate air carrier, or foreign air carrier to refuse to transport—

"(1) any person who does not consent to a search of his person, as prescribed in section 315(a) of this Act, to determine whether he is unlawfully carrying a dangerous weapon, explosive, or other destructive substance, or

"(2) any property of any person who does not consent to a search or inspection of such property to determine whether it unlawfully contains a dangerous weapon, explosive, or other destructive substance.

Subject to reasonable rules and regulations prescribed by the Administrator, any such carrier may also refuse transportation of a passenger or property when, in the opinion of the carrier, such transportation would or might be inimical to safety of flight.

"(b) Any agreement for the carriage of persons or property in air transportation or intrastate air transportation by an air carrier, intrastate air carrier, or foreign air carrier, for compensation or hire shall be deemed to include an agreement that such carriage shall be refused when consent to search such persons or inspect such property for the purposes enumerated in subsection (a) of this section is not given.".

SEC. 204. Title XI of the Federal Aviation Act of 1958 (49 U.S.C. 1501–1513) is amended by adding at the end thereof the following new section:

"LIABILITY FOR CERTAIN PROPERTY

"SEC. 1116. The Civil Aeronautics Board shall issue such regulations or orders as may be necessary to require that any air carrier receiving for transportation as baggage any property of a person traveling in air transportation, which property cannot lawfully be carried by such person in the aircraft cabin by reason of section 902(1) of this Act, must make available to such person, at a reasonable charge, a policy of insurance conditioned to pay, within the amount of such insurance amounts for which such air carrier may become liable for the full actual loss or damage to such property caused by such air carrier.".

SEC. 205. Section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301), relating to definitions, is amended by redesignating paragraphs (22) through (36) as paragraphs (24) through (38), respectively, and by inserting immediately after paragraph (21) the following new paragraphs:

"(22) 'Intrastate air carrier' means any citizen of the United States who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage solely in intrastate air transportation.

"(23) 'Intrastate air transportation' means the carriage of persons or property as a common carrier for compensation or hire, by turbojet-powered aircraft capable of carrying thirty or more persons, wholly within the same State of the United States.".

SEC. 206. (a) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading: "TITLE III—ORGANIZATION OF AGENCY AND POWERS AND DUTIES OF ADMINISTRATOR" is amended by adding at the end thereof the following new items:

"Sec. 315. Screening of passengers in air transportation.

"(a) Procedures and facilities.

"(b) Exemption authority.

"Sec. 316. Air transportation security.

"(a) Rules and regulations.

"(b) Personnel.

"(c) Training.

"(d) Research and development; confidential information.

"(e) Overall Federal responsibility.

"(f) Definition."

(b) That portion of such table of contents which appears under the center heading "TITLE XI—MISCELLANEOUS" is amended by adding at the end thereof the following new item:

"Sec. 1116. Liability for certain property.".

And amend the title so as to read: "An Act to amend the Federal Aviation Act of 1958 to implement the Convention for the Suppression of Unlawful Seizure of Aircraft; to provide a more effective program to prevent aircraft piracy; and for other purposes."

Mr. CANNON. Mr. President, I move that the Senate disagree to the amendment of the House on S. 39 and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. CANNON, Mr. HARTKE, Mr. PEARSON, and Mr. COOK conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 10(a), Public Law 93–179, the Speaker had appointed Mrs. BOGGS and Mr. BUTLER as members of the American Revolution Bicentennial Board, on the part of the House.

The message announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 7724) to amend the Public Health Service Act to establish a national program of biomedical research fellowships, traineeships, and training to assure the continued excellence of biomedical research in the United States, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. ROGERS, Mr. SATTERFIELD, Mr. DEVINE, and Mr. NELSEN were appointed managers on the part of the House at the conference.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

The Senate continued with the consideration of the bill (S. 3044) to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HASKELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HASKELL. Mr. President, I wish to address a question to the distinguished manager of the bill.

Mr. CANNON. Yes.

Mr. HASKELL. I would like to ask the floor manager of the bill as to his interpretation of the bill as applied to a particular situation. Assume that a multiple candidate committee engages in certain expenses in connection with the fund raising for a multitude of different candidates. The concern expressed is that possibly the bill would be interpreted to allocate as a contribution to any candidate raising funds from that committee a pro rata share of expenses incurred in raising those funds.

I would like to ask the Senator's interpretation and intention in that situation and whether the legislation would be so applied.

Mr. CANNON. Do I understand the Senator to mean a general committee that is widespread in scope and that is not a political campaign committee of the candidate?

Mr. HASKELL. That is correct.

Mr. CANNON. It is the intention as to that type committee in the solicitation of funds that the expense of solicitation could not be charged to the candidate because that committee may be contributing to many, many candidates and they are limited in the amount they could contribute to the candidate, but the candidate himself would have to include in his expense itemization the cost they expended in raising those particular funds.

On the other hand, if a candidate's own campaign committee that he designates is out raising money for him, obviously those expenses would be chargeable to the amount he can spend in his election.

Mr. HASKELL. I thank the distinguished Senator from Nevada. That is the way I interpret the legislation. There are Members who expressed some concern. I think this makes the record very clear.

Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, will the Senator withhold that request?

Mr. HASKELL. I withhold my request.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

AMENDMENT NO. 1105

Mr. BROCK. Mr. President, I call up my amendment No. 1105.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was stated as follows:

On page 64, between lines 5 and 6, insert the following:

"SUSPENSION OF FRANK FOR MASS MAILINGS IMMEDIATELY BEFORE ELECTIONS

"SEC. 318. Notwithstanding any other provision of law, no Senator, Representative,

Resident Commissioner, or Delegate shall make any mass mailing of a newsletter or mailing with a simplified form of address under the frank under section 3210 of title 39, United States Code, during the sixty days immediately preceding the date on which any election is held in which he is a candidate."

On page 64, line 7, strike out "318." and insert in lieu thereof "319.".

On page 64, line 14, strike out "319." and insert in lieu thereof "320.".

Mr. MANSFIELD. Mr. President, will the Senator from Tennessee yield?

Mr. BROCK. I yield.

Mr. MANSFIELD. Mr. President, would the Senator be amenable to a 20-minute time limitation on the amendment, the time to be divided in the usual fashion between the sponsor of the amendment and the manager of the bill?

Mr. BROCK. I am.

Mr. MANSFIELD. Mr. President, I make that request.

The PRESIDING OFFICER. Without objection, the time limit will be set accordingly.

Mr. BROCK. Mr. President, this amendment would simply extend the current limitation on franking from 28 days, which we passed in this body last December, which was a good first step, to 60 days, for mass mailing. We debated this matter last year in the campaign reform bill. I raise the question again because one of the most damning criticisms of this bill, and one that I share, is that it still largely remains an incumbent bill. One of the participants in a symposium at the Kennedy Center, in which I also participated, estimated that the incumbency is worth $600,000 over 2 years. That amount of money would have to be raised to equal the public relations assets that an incumbent has through mail, and the rest.

One distinct advantage to Members is the unlimited use of the frank, right up to the last month of the election. I believe it is important that we try as best we can to guarantee fairness in the political process.

I also believe that we should provide for people who challenge office holders, now and in the future, a reasonable opportunity to make that effort and to have some chance of success.

I reserve the remainder of my time.

Mr. CANNON. Mr. President, I yield myself 2 minutes.

I find no great difficulty with this amendment. I just simply point out to my colleagues that it has been only a few months since we acted on this particular point and we limited it to 28 days prior to the election with reference to the sending out of newsletters under the frank. I would point out that the law prohibits now mailing that is related to political activities under the frank, in any event, so I see no particular harm in amending this to 60 days. The Senate has never been involved in mass mailing to boxholders, such as the House. This may be of difficulty in the other body, but I would have no objection to it if the Senator wants an increase in the period of 32 days over the action which we took a few months ago.

Mr. BROCK. I thank the Senator. He points out that the problem with the boxholder frank is with the House and not with the Senate, but I think it is important that we point out the potential for abuse here and, at least for this body, express our desire that every person should have access to the political process and should have, as much as we can guarantee it, full and free opportunity to seek his own election.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

Mr. BROCK. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment of the Senator from Tennessee having been yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. There will be no further votes tonight, I will say for the information of Senators.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BROCK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROCK. Mr. President, I ask unanimous consent that two members of my staff, Mr. J. V. Crockett and Mr. Jim George, be given access to the floor during the course of debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROCK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BROCK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT REFERRAL OF S. 3213 TO COMMITTEE ON FOREIGN RELATIONS AND COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. BROCK. Mr. President, I ask unanimous consent that S. 3213, which I introduced earlier this month, and which was referred to the Committee on Foreign Relations, be jointly referred to that committee and to the Banking, Housing and Urban Affairs Committee. I have discussed this with the acting chairman of the Foreign Relations Committee, who also happens to be chairman of the Banking, Housing and Urban Affairs Committee, and he has expressed his willingness.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, if the Senator will yield, what is the bill about?

Mr. BROCK. This bill would support the establishment of an international economic policy board to advise Congress on matters of international policy.

Mr. JAVITS. As a matter of efficiency, if the bill were referred to both committees, so that either could hold it up, would the Senator want to have it referred seriatim, or to both at the same time?

Mr. BROCK. The chairman of the Banking, Housing and Urban Affairs Committee has indicated that the chairman of the Foreign Relations Committee had no particular interest in this legislation, but he did not want to lose any jurisdictional right, which I fully understand and support.

So may I amend the request to ask that the bill be referred to the Banking, Housing and Urban Affairs Committee?

Mr. JAVITS. I would object to that, because I do not agree with the chairman, with all respect. I think one of our big failures, and other members of the committee are present, such as the Senator from Montana (Mr. MANSFIELD), has been the failure to realize the critical impact on foreign policy of economic policy. I would just as soon the Senator leave it as he has put it.

Mr. BROCK. Would referral seriatim be preferable?

Mr. JAVITS. No; leave it as it is. We have the explanation. Leave it as it is.

The PRESIDING OFFICER. Without objection, the bill will be so referred.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session.

There being no objection, the Senate proceeded to consider executive business.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Kentucky (Mr. COOK).

U.S. COAST GUARD

Mr. COOK. Mr. President, I ask the Chair to have considered sundry nominations in the U.S. Coast Guard which were reported earlier today, and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. (Mr. BENNETT) Without objection, it is so ordered.

The second assistant legislative clerk read the nomination of Rear Admiral William F. Rea III, to be commander, Atlantic area, and Rear Admiral Joseph J. McClelland, to be commander, Pacific area.

The PRESIDING OFFICER. Without objection, the nominations will be considered and confirmed en bloc.

The second assistant legislative clerk read the nominations of the following named officers for promotion to the grade of rear admiral: Rober I. Price, Winford W. Barrow, James P. Stewart, G. H. Patrick Bursley, Robert W. Durfey, and James S. Gracey.

The PRESIDING OFFICER. Without objection, the nominations will be considered and confirmed en bloc.

Mr. COOK. Mr. President, I request that the President of the United States be immediately notified of the confirmation of the nominations.